

Planning Committee

Date: **5 October 2022**

Time: **12.30pm**

Venue **COUNCIL CHAMBER, HOVE TOWN HALL**

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

Conservation Advisory Group Representative

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AGENDA

PART ONE

Page No.

41 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.

42 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 10 August 2022. (The 07 September 2022 meeting was abandoned due to technical issues, therefore there are no minutes from that meeting).

43 CHAIR'S COMMUNICATIONS

44 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 September 2022.

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

46 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
C	BH2022/00456 - Former Dairy, 35-39 The Droveway, Hove - Removal or Variation of Condition	67 - 92
D	BH2021/04508 - Saltdean United Football Club and Playing Fields, Saltdean Vale, Saltdean - Full Planning	93 - 128

MINOR APPLICATIONS

E	BH2022/01281 - 22 The Cliff Brighton - Full Planning	129 - 150
F	BH2022/01629 - 64, 66, 68 & 68A Old Shoreham Road, Hove - Full Planning	151 - 172
G	BH2022/01630 - 55 Auckland Drive, Brighton - Full Planning	173 - 186
H	BH2021/03357 - Cinch Self-Storage, South Road, Brighton - Full Planning	187 - 222
I	BH2022/00287 - Land Adjacent Hillside, Ovingdean Road, Brighton - Reserved Matters	223 - 240

J	BH2022/01765 - The Pines, Furze Hill, Hove - Removal or Variation of Condition	241 - 252
K	BH2022/01136 - Land to Rear of 40 Holmes Avenue, Hove - Full Planning	253 - 276
L	BH2022/01786 - 9 Dyke Road Avenue, Hove - Householder Planning Consent	277 - 292
M	BH2022/01927 - 3 Sunnydale Avenue, Brighton - Full Planning	293 - 304
N	BH2022/00026 - Parkside Mansions, 34 Preston Park Avenue, Brighton - Removal or Variation of Condition	305 - 318
O	BH2022/00027 - 34 Preston Park Avenue, Brighton - Removal or Variation of Condition	319 - 334

47 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

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **335 - 336**
(copy attached).

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES
None for this agenda.

50 APPEAL DECISIONS **337 - 338**
(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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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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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 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 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

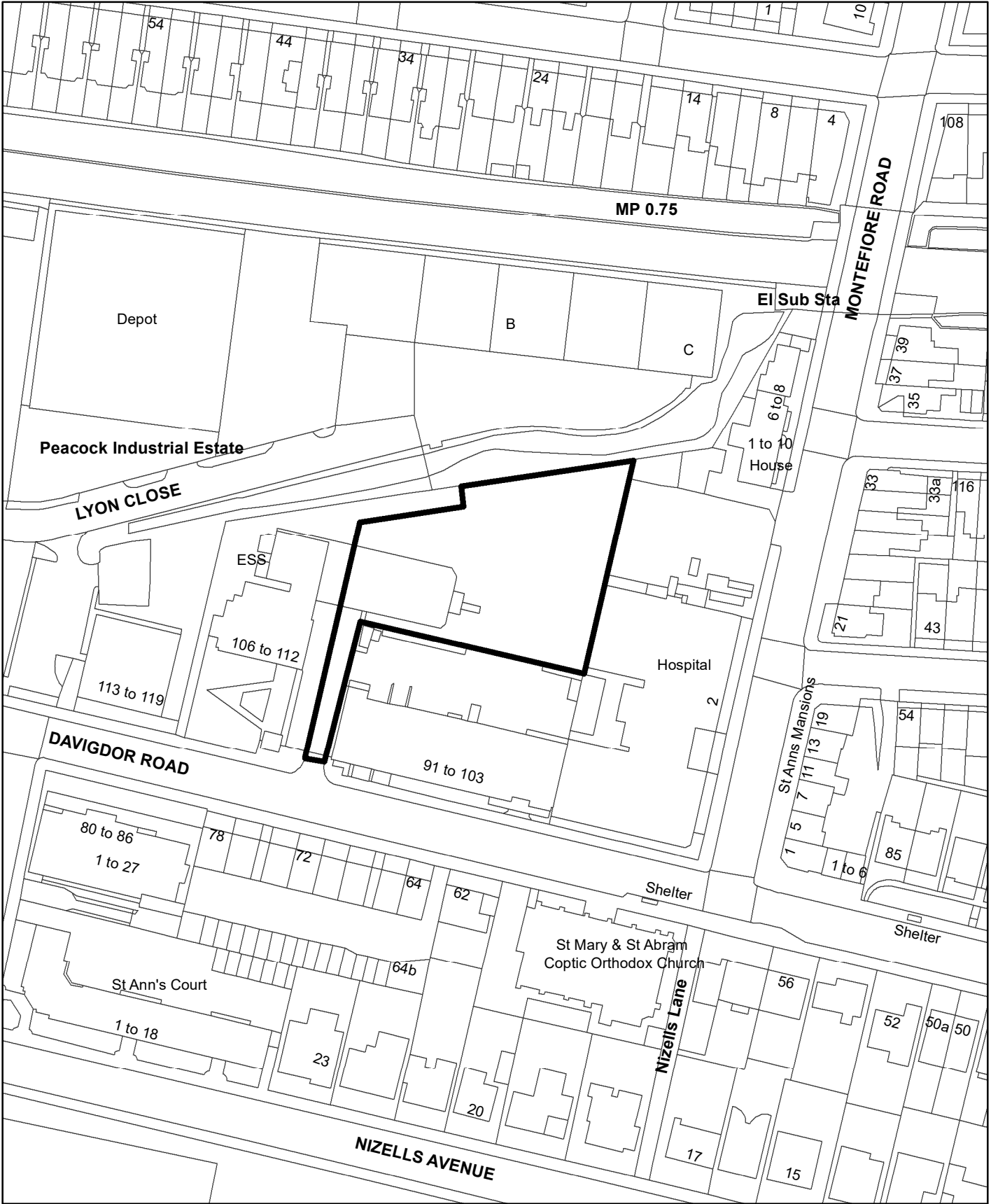
Dated this

day of

ITEM A

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

DATE OF COMMITTEE: 5th October 2022



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>	N/A	<u>Expiry Date:</u>	30.09.2021
<u>Listed Building Grade:</u>	N/A	<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		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

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/001		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. The separating ground floor and first floor partition shall be designed to ensure that the vertical airborne

sound insulation performance achieves 5dB(A) better than Building Regulations Approved Document E.

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. RELEVANT HISTORY

- 3.1. BH2020/00781 Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping - Appeal in Progress.
- 3.2. P&H House
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
- 3.3. 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.

- 3.4. BH2019/03783 Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats - Approved 10/03/2020.
- 3.5. BH2019/01739 Prior Approval for change of use from offices (B1) to residential (C3) to form 92no one bedroom flats - Approved 07/08/2019.
- 3.6. 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.
- 3.7. BH2014/03006 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Approved 20/10/2014
- 3.8. BH2008/00919: Smoking shelter at third floor level on roof podium - Approved 23/05/2008.
- Land South of P&H House
3.9. 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
3.10. 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
3.11. 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
3.12. 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
3.13. 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

4. APPLICATION DESCRIPTION

- 4.1. 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.

- 4.2. The proposal is an amended submission 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).
- 4.3. 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
 - The no. of residential units has been reduced from 41 to 39
 - 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
- 4.4. 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

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of representation have been received objecting to the proposed development for the following reasons:
- Overbearing
 - Dominate streetscene
 - Highway safety
 - Increased parking pressure
 - Insensitive to locally listed Montefiore Hospital
 - Overdevelopment
 - Poor design
 - Impact on amenity (outlook, privacy, daylighting, and overshadowing)
 - 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:** No Objection
Initial Comments
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.

Further Comments

- 6.10. Car parking on the site shall comply with Part S of the 2021 Building regulations that sets out minimal proportions of electromotive ready charging points. The Transport Authority agrees with vehicle trips estimations due to the development passing through Air Quality Management Area: AQMA1 due to this development proposal. Other AQMAs are remote from the site.
- 6.11. **City Clean :** No objection
- 6.12. **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.
- 6.13. **Environmental Health (Land Contamination):** 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.
- 6.14. **Environmental Health (Noise):** Comment
The approach within the Acoustic Design Statement presents a risk assessment of the daytime and night time sound pressure levels (measured 28/11/2019-4/12/2019) and concludes that there is a negligible to low risk associated with the development of the site.

The predicted daytime and night time sound pressure levels are relatively low for the site and the report concludes that no specific acoustic design measures are needed to protect future occupants. The report is considered to be robust, albeit conditions should be considered in respect of protecting first floor residential occupants from ground floor commercial noise/soundscapes.
- 6.15. **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.

- 6.16. 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.
- 6.17. **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.
- 6.18. 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.
- 6.19. **Private Sector Housing:** No objection
- 6.20. **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.
- 6.21. **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
- 6.22. **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
- 6.23. Acceptable subject to the inclusion of conditions, informatives and obligations

6.24. **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.

- 6.25. 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

- 6.26. 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.
- 6.27. 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 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

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

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 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 a 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 building 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 local area and as a result, a lack of clear design vision and masterplaning. 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.
- 9.46. The 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. The rear of Montefiore Hospital closest to the development has no windows and the side (north) windows of the hospital would not be significantly affected given the proposed hospital extension (application BH2016/02850). 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 proposes 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 on 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 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:

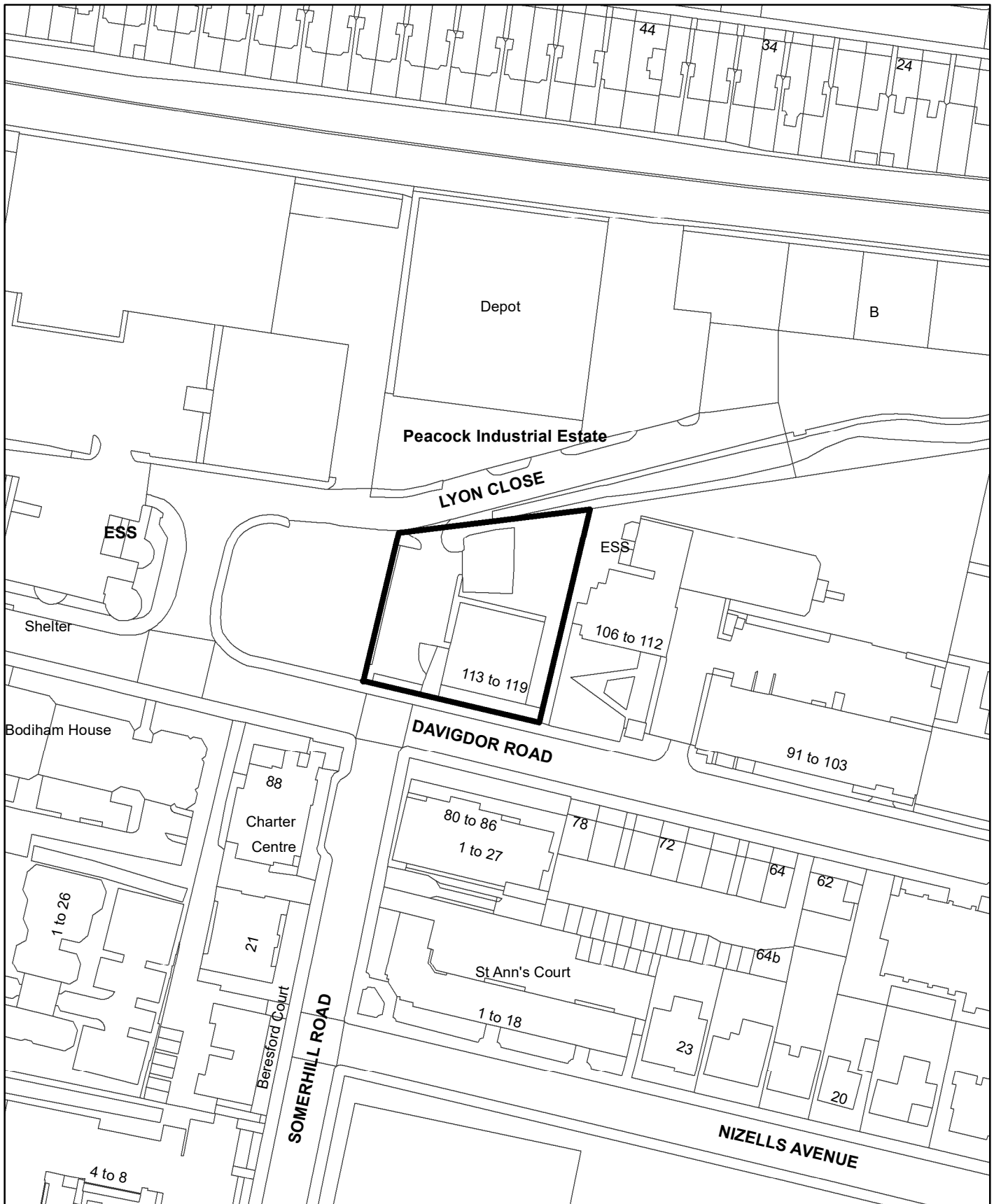
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction 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: 5th October 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>	N/A	<u>Expiry Date:</u>	19.05.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Peter Rainer Griffin House 135 High Street Crawley RH10 1DQ		
<u>Applicant:</u>	Withdean Commercial Property Ltd C/o DM Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

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:

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

2. SITE LOCATION

- 2.1. The application site, 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 as the development has commenced.
- 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 this can be managed separately by the Local Highway Authority. An informative is recommended advising the applicant that despite this residents could still be restricted from permits.
- 9.14. Condition 25 (Class Use) is updated to refer to Class Use modifications.
- 9.15. All other conditions are re-applied.

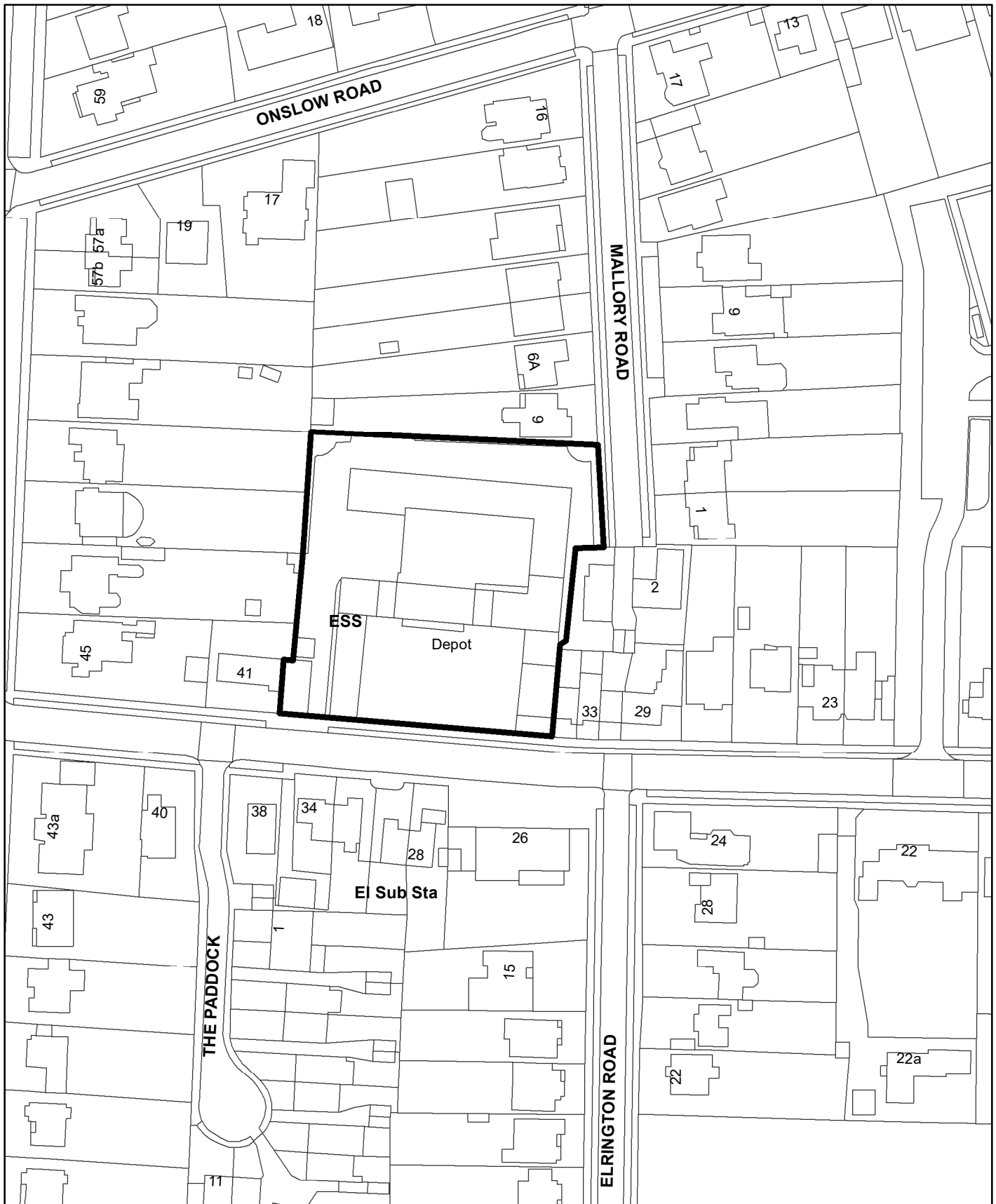
10. EQUALITIES
None identified

ITEM C

**Former Dairy, 35-39 The Drove
BH2022/00456
Removal or Variation of Condition**

DATE OF COMMITTEE: 5th October 2022

BH2022/00456 Former Dairy, 35-39 The Droveway



N



Scale: 1:1,250

<u>No:</u>	BH2022/00456	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Former Dairy 35 - 39 The Droveway Hove BN3 6LF		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2020/00931 to permit amendments to site and internal layout, elevations, roof design, materials, fenestration, amenity space, landscaping, cycle and bin storage.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	18.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.05.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.10.2022
<u>Agent:</u>	Mialex Work.Life Core Brown Street Manchester M2 1DH		
<u>Applicant:</u>	Superstone Homes Ltd Former Dairy 35-39 The Droveway Hove BN3 6LF		

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:

- The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
(Note: Drawing list will be included on the Late Representations List)
Reason: For the avoidance of doubt and in the interests of proper planning.
- The development hereby permitted shall be commenced before the 18th November 2024.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- The non-residential commercial uses hereby approved shall be retained as Class E use and shall not be used for any other purpose.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00.

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

5. The development shall be constructed and laid out in accordance with the disabled bays shown on drawing 043-02-P101 rev 01 received on the 26th of July 2022. 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 and SPD14 guidance.

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

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

7. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.

Reason: To ensure the satisfactory preservation of this locally listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27 and HE10 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

8. The construction of the development hereby approved shall be carried out in accordance with the approved CEMP 01 rev A received on the 17th August 2022.

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

9. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including gated access, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

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

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

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

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

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include food-bearing plants, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials.
- d. details of all proposed areas of defensible space as shown on the proposed level 0 plan. The defensible space to the front of units 13-19 should be no less than 0.6m in depth.

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

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

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

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

13. All hard landscape 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.
14. The development hereby permitted shall be carried out in accordance with the material schedule 043-MS-01 Rev B received on the 26th July 2022.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
16. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
17. The cycle parking within the development hereby permitted shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. The approved cycle parking 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 National Planning Policy Framework Paragraph 110.
18. The electric vehicle chargers within the development hereby permitted shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. These charging 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. Plus passive bays shall be bought into active service in accordance with the approved arrangements.
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.

19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
Reason: The SUDS Management and Maintenance Plan (Nimbus Jan 2020) states that due to groundwater levels infiltration SUDS is not appropriate at this site. However this condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, and to comply with policy SU3 of the Brighton & Hove Local Plan.
20. The layout and management/allocation of the vehicle parking areas within the development shall be carried out in accordance with drawing 043-02-P101 received on the 26th of July 2022. The approved layout and management arrangements shall be implemented prior to the occupation of the buildings 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 and CP9 of the City Plan Part One.
21. Not used.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
23. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
24. The development hereby permitted shall be constructed in accordance with drawing 043-02-P107 which secures a dwelling for a wheelchair user. This 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.

25. All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological Design Strategy (Bakerwell, August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

26.

- (i). No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (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.
- (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)c that any remediation scheme required and approved under the provisions of condition (i)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.

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

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

28. 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 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.

29. 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.

30. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then: a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

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.

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

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

32. The level 1-bedroom windows in the northern elevation of unit 12 of the development hereby permitted shall not be glazed otherwise than with obscured glass up to 1.7m in height and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and Policies DM20 and DM21 of the Submission City Plan Part 2.

33. At least nineteen bee bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of City Plan Part 2, and Supplementary Planning Document SPD11 Nature Conservation and Development.

34. The development hereby permitted shall incorporate at least 38 (thirty eight) swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of City Plan Part 2, and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please read the Southern Water New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link: southernwater.co.uk/infrastructure-charges.
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water for further information.

4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
6. 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.
7. 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.

2. SITE LOCATION

- 2.1. The application relates to a vacant commercial site located to the north of The Drove way, Hove. The wider area is predominantly residential, including mostly 2 storey buildings with traditional and modern design. There is a retail store on the south side of the street opposite.
- 2.2. This site is a locally listed heritage asset comprising single storey, early 19th century out-buildings associated with a larger dairy farm, and was used as a commercial dairy depot for many years until 2016. The site appears to have been used for dairy throughout its history, but historic mapping shows that the actual arrangement of buildings has altered over time. The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale.

3. RELEVANT HISTORY

- 3.1. **BH2022/01506** Application for approval of details reserved by conditions 5(disabled parking),7(external lighting), 8(CEMP), 10(ground levels), 12(tree protection), 14(external surfaces), 17(cycle parking), 18(electric vehicle charging points), 19(drainage systems), 20(vehicle parking), 24(Building Regulations Optional Requirement M4(3)(2b)), 25(ecological design strategy), 26(contaminated land), 27(refuse & recycling), 28(surface water drainage), 29(drainage strategy) and 30(asbestos) of application BH2020/00931. Withdrawn August 2022.

- 3.2. **PRE2021/00145** Pre-Application Enquiry proposing a series of minor amendments to the approved design and layout of the scheme approved in association with planning application Ref BH2020/00931. Written response issued November 2021. Summary: The proposals could be supported in principle however further amendments and justifications required.
- 3.3. **BH2020/00931** Change of use from former Dairy Crest depot (B8) to mixed-use development comprised of 19no. dwellings (Use Class C3) & commercial space (Use Class E), including partial demolition of the existing & erection of a new northern wing; erection of a new central wing to courtyard; onsite car & cycle parking; & associated works (Amended Plans). - Approved 22.06.2021
- 3.4. **BH2018/03798** Change of use from former Dairy Crest depot (B8) to a Mixed use flexible commercial development of 1435sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court-yard, onsite car parking, cycle storage and areas for storage of waste and recycling - Approved 18/09/2020
- 3.5. **BH2017/04050** Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court-yard, onsite car parking, cycle storage and areas for storage of waste and recycling - Appeal Allowed 25/10/2019

4. APPLICATION DESCRIPTION

- 4.1. This application seeks to vary condition 1 of planning permission BH2020/00931 to permit amendments to the approved drawings in relation to site and internal layouts, elevations, roof design, materials, fenestration, amenity space, landscaping, cycle and bin storage.
- 4.2. Following approval of application BH2020/00931, the applicant undertook a review of the site and approved scheme and identified a number of opportunities to improve the external design and enhance the layout of the scheme. The applicant submitted a pre-application enquiry engaging with heritage and design officers and it was considered by the local planning authority that the amendments sought could be regularised by way of a Section 73 application.
- 4.3. At pre-application stage it was advised that the reformatting of the site offered the potential to create better amenity spaces and improve the quality of living accommodation across the site. It was acknowledged however that careful consideration should be had to ensure any such changes referenced the character and history of the site.
- 4.4. This application also contains additional details to effectively discharge some of the conditions attached to the original planning approval (BH2020/00931),

including those relating to drainage, site levels, CEMP, materials, ecology, landscaping, parking, contaminated land and lighting.

5. CONSULTATIONS

Internal:

5.1. **Air Quality** No objection

5.2. **Arboriculture** No objection Tree protection measures required.

5.3. **Environmental Health** Insufficient information to discharge conditions 26 and 31 of BH2020/00931 (contaminated land)

5.4. **Heritage** Initial Comments 04.03.2022 Commenting: No objection is had to the design and layout changes proposed under condition 1. However, it is unclear where all of the proposed external materials are intended to be used in the development. Annotated elevations and plans should be provided to clarify this. It is not clear how well the proposed plain clay tile product relates to the existing clay tiles on the main barn roof in terms of colour and finish.

Further comments following submission of additional information 05.07.2022

5.5. Comment: The new build central range should be finished in Ibstock Chailey Rustic (or similar). Drawing no. 2048-SK-126 B shows a brick soldier course to the flint facing on the south end of the new central range. There is no local tradition for such soldier courses on flintwork and it was not shown on the approved elevations. It should be omitted so that the south end matches that of the existing east and west ranges.

5.6. The paving to the courtyards is to be 'Marshalls Drivesett Deco block paving [colour: Cotswold]'. This colour has no local precedent in historic settings - instead either the 'Traditional' or 'Cinder' colour should be used.

5.7. **Sustainability** No objection

5.8. **Sustainable drainage** No objection to the scheme overall. Some concerns are had in relation to the specific information submitted to discharge the drainage conditions applied to BH2020/00931.

5.9. **Sustainable transport** Initial Comments 04.04.2022

Further information required in relation to cycle parking provision, electric vehicle, disabled parking provision and motorcycle parking. The number of accessible residential units is also required to be provided. In addition to this, confirmation is sought in relation to the type of commercial use proposed at the site to assess cycle and car parking provision.

Additional comments 13.07.2022

5.10. The Construction Environment Management Plan is considered to be acceptable.

Additional comments 31.08.2022

- 5.11. Further information required in relation to electric vehicle charging provision and motorcycle parking provision.
- 5.12. **Urban Design Officer Comment:** Summary - The proposals are generally an improvement upon the approved scheme.
Units 1, 2 and 3: Agree that changes to internal layout are an improvement. The position of small trees will help to informally demarcate defensible space.
- 5.13. Units 4, 7 and 8: Generally agree that changes to internal layout are an improvement. Unit 4 - two en-suite bedrooms would benefit from being flipped so bedroom windows face south and bathrooms face north.
- 5.14. Units 5, 6 and C1: Proposed revisions are generally supported, especially the legibility of the western archway and enlivened frontage to the east courtyard. A refuse storage has been relocated to the north of Commercial Unit C3. This generates improvements to the street frontage, and the refuse storage area appears more spacious. However, it is unclear how refuse collection will function. The general strategy to split residential and commercial activity between the two courtyards is supported.
- 5.15. New build central wing to front courtyard: Separating the new and existing roof forms is successful, respecting the form of the existing barn and appearing more like a farmyard cluster than a single extended building, and responding to the existing junctions between the main barn and the east and west ranges. The proposed roof form is now connected as an extension to the existing barn. This is also considered acceptable. Revised elevational detailing is an improvement, appearing contemporary in character whilst remaining sensitive to the heritage context. Larger apertures which align between ground and first floors generate the impression of continuous apertures from ground to eaves height as recommended. Eaves height appears to have been lowered to more closely match that of the existing east and west ranges. The horizontal band at 1st floor level has been retained, however this is less of a concern in light of revisions to apertures. As such, proposed revisions are supported.
- 5.16. Units 9, 10, 11 and 12: Generally, proposals are an improvement. Amended layouts improve amenity provision and quality, as well as internal daylight and outlook. The contemporary architectural character of this group of dwellings is also supported. Unit 12 - the glazed eastern gable presents a rather incongruous form / appearance as viewed from Mallory Road. To achieve outlook and light for this room, perhaps a south facing dormer window (similar to those in units 10 and 11) would be more appropriate and a solid gable would more sensitively address Mallory Road. Trees need to be protected.
- 5.17. North Terrace of Houses: Revised internal layouts are supported and it is agreed that the terrace presents a stronger and more legible identity than approved proposals. The architecture appears more refined and cohesive with other elements of the scheme. The stepped building line has been retained but the stepped eaves line has been omitted, which is supported and refines the expression of this terrace enough that the stepped building line is considered

acceptable. Revised proposals indicate communal amenity space to front gardens to the south of the terrace, including natural play, food growth, natural planting and lawn area. This is strongly supported. However, no defensible space to adjacent dwelling is proposed. Even a small strip e.g., 600mm of planting in front of these dwellings would be an improvement and is recommended.

5.18. Landscape design: This is considered successful in principle.

External:

5.19. **Ecology:** No objection subject to condition

5.20. **Southern Water** No objection

5.21. **Sussex Police** No objection

6. REPRESENTATIONS

6.1. **Fourteen (14)** letters of representation have been received objecting to the proposed development on the following grounds:

- The revised location of the new bin store causing issues of noise and odour
- Increased roof heights
- Additional overlooking
- Roof forms are not typical of the area
- Pedestrian or vehicle access to the site from Mallory Road
- Increase in traffic and other highways issues
- Overshadowing and loss of light
- Non-compliance with policy
- Disruption during the build
- The proximity of the terrace to No.6 Mallory Road
- The changes proposed are not minor in nature
- Light pollution
- Impact on trees
- Impacts on drainage
- Unit 12 is of a larger volume than previously approved
- No construction traffic should be allowed down Mallory Road
- The application proposes numerous changes
- Dust during construction
- Proximity of the dwellings to No.6 Mallory Road
- Concerns over lack of landscaping details
- Construction traffic
- Units 11 and 12 appear at odds with Mallory Road
- Roofing materials not in keeping with Mallory Road
- Air pollution

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing delivery

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail provision

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

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages
 QD14 Extensions and alterations
 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
 EM4 New business and industrial uses on unidentified sites
 HE10 Buildings of local interest
 HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2 (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.

DM1 Housing Quality, Choice and Mix
 DM11 New Business Floorspace
 DM18 High quality design and places
 DM19 Maximising Development Potential
 DM20 Protection of Amenity
 DM22 Landscape Design and Trees
 DM26 Conservation Areas
 DM33 Safe, Sustainable and Active Travel
 DM36 Parking and Servicing
 DM37 Green Infrastructure and Nature Conservation
 DM40 Protection of the Environment and Health - Pollution and Nuisance
 DM43 Sustainable Urban Drainage
 DM44 Energy Efficiency and Renewables

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 principle of the development is accepted. The original approved scheme (BH2020/00931) was granted on the 22nd June 2021. The current application seeks to vary this permission. The Local Planning Authority considered the previous schemes to be acceptable in all regards and secured various details

and measures by planning conditions and via a S106 agreement. In terms of planning policy, there are considered to be no significant changes in circumstances or new material considerations since the original permission was granted, except the advancement of City Plan Part Two and the greater weight given to its policies.

- 9.2. The considerations to be taken into account in this application solely relate to the variation of condition 1 of application BH2020/00931, which relates to the approved drawings. The main considerations in the determination of this application relate to:
- the visual impact of the development on the character and appearance of the site and wider area, including heritage considerations
 - the standard of accommodation provided
 - any potential impacts on neighbouring amenity
- 9.3. These considerations are assessed against each respective part of the site for clarity, as set out below.

Condition 1

- 9.4. This application provides a revised scheme to the original approval which is led by design and layout changes. This follows on from pre-application advice provided in 2021, which included discussions with both Heritage and Design officers, and revised proposals have been submitted.
- 9.5. The proposed scheme will deliver the same number of residential units and will largely comprise the same cumulative residential and commercial floor space as the approved scheme. The mix of housing units is largely the same as the approved application with the exception of unit 10 which as approved comprised a two-bedroom unit and as proposed comprises a three-bedroom unit. This new dwelling would still meet the national space standards for this housing type. This alteration is considered acceptable as a varied mix of units is still achieved across the site with 6 smaller two-bedroom properties proposed, in compliance with policy. It is important to note also, that each of the two-bedroom dwellings proposed on the site would exceed the minimum required space standard.
- 9.6. The proposals also include the same vehicular access and number of car and cycle parking spaces as the approved scheme.
- 9.7. The proposed amendments to the scheme are summarised below.

Units 1, 2 and 3

- 9.8. These units are located to the south eastern corner of the site.
- 9.9. The internal floor spaces of these units have been reduced from 101sqm to 82.3sqm (which would still exceed the respective national space standards) and provide internal living spaces that are more suitable for future occupants. At ground floor the layout has been altered to provide a larger shared open plan kitchen/dining/living area provide a more flexible space for occupants. In addition, the first floor ensuite bathrooms have been removed.

- 9.10. The height, scale and roof form of these dwellings will remain consistent with the approved application. However, improvements have been made to the external design of the buildings by incorporating additional glazing at ground floor and a strip of rooflights which replace the two individual roof lights previously proposed. The use of strip roof lights on the eastern range is welcomed by the Heritage team.
- 9.11. The proposed site plan indicates how external areas within the courtyard would appear to be in the ownership of individual dwellings through the use of metal studs. However, it is considered that the position of small trees will further help to informally demarcate defensible spaces and these details are sought within the overall landscaping condition.

Units 4, 7 and 8

- 9.12. These units are positioned centrally within the site and are located adjacent to the archway which provides pedestrian access between the front and rear parts of the site.
- 9.13. The internal layouts of these units have been amended to create a more efficient layout. The relocation of the staircase in these units has improved the layout at first floor, by creating bedrooms that are less narrow and therefore accommodate likely furniture items more suitably. The position of the en-suites and bedrooms at first floor in these units has also been amended so that now the bedrooms proposed are south facing, thereby providing better living accommodation.
- 9.14. As approved, the private amenity space to unit 4 was to the north of the property. This has been altered and as such the amenity space for this unit is now proposed to the south, resulting in improved sunlight and daylight. Owing to layout changes with the adjacent unit to the east (which will be discussed later in the report) it is not considered that any harmful impact would result from neighbouring occupiers to this external space. A planting buffer is also proposed to the north of the property to maintain privacy levels, further details of which will be required as part of the overall landscaping condition for the site.
- 9.15. The proposals incorporate the removal of the north facing ground floor external amenity spaces as a consequence of relocating vehicle parking on the site to the rear boundary of units 7. A subsequent amendment to the scheme is the incorporation of balconies to units 7 and 8 to the northern elevation. These balconies will be raised above ground level to provide further privacy and usability. Whilst the amenity space represents a reduction from the approved scheme, given that the communal amenity space to the north has been improved and expanded this is considered acceptable and in accordance with policy HO5 of the Local Plan.
- 9.16. Externally the windows to the northern elevation all now benefit from brick dress detailing as requested by Heritage officers. The southern elevations remain as approved.

Eastern and Western Courtyards and the re-arrangement of units 5, 6 and C1

- 9.17. The approved commercial unit C1 (located within the centre of the site) is proposed to be split and provide two commercial units (C1a and C1b), these two units will provide the same combined floorspace as that approved. The proposed Unit C1b will interchange positions with units 5 and 6. The result of this is that the western courtyard will as a whole become more commercial in nature. The removal of the grassed area from the historic western courtyard is welcomed by heritage officers and results in a more flexible courtyard area that will provide further opportunities for the commercial units. The proposals to split the residential and commercial activity between the two courtyards is supported.
- 9.18. It is considered that the relation of units 5 and 6 will allow for visual interest to be incorporated to the eastern elevation of the central wing and is also considered to result in a better outlook to the east and west for future occupiers.
- 9.19. As a result of these layout changes, the cycle stores will be relocated close to the frontage of the site which will improve accessibility. The refuse store has also been repositioned from the archway between units 4 and 8 to the west of the site, to the rear of unit C3. This generates improvements across the site and appears more spacious. Concerns have been raised however, by neighbouring residents with regards to issues of noise and odour. Further details have been provided by the applicant to advise that the refuse store will now be fully enclosed to mitigate these impacts. Full details of the refuse store are already sought under condition 27 of the approved scheme. Discussions with city clean confirm that the location of the bin store is acceptable and is not considered to be at a distance that is too far for residents. The team did advise that were any future occupants in need of assistance in this regard then it would be for the managing agents of the site to assist with this. CityClean also confirm that the refuse teams would walk into the site and collect refuse and recycling.

New central wing

- 9.20. The new central wing accommodates units 5 and 6 and commercial unit C1a.
- 9.21. The external design of this element of the scheme has been revised to ensure that the wing appears less domestic in appearance. As a result, the fenestration layout has been amended so that it adopts a less vertical emphasis. Larger apertures which align between the ground and first floors generates the impression of continuous apertures as recommended by design officers.
- 9.22. The plans show that the roof design has been maintained so that it joins the main barn in accordance with its original character and the overall height is reduced.
- 9.23. The amendments to the design of the new central wing and the retained barns satisfactorily reflect the pre-application advice that was given. It is noted that the scale of the central wing does not exceed that of the approved plans and indeed the ridge line is slightly lower due to a reduced roof pitch; this is considered to be acceptable as this is a clearly new element (albeit following a historic

footprint) In accordance with policy CP15 of the CPP2 and HE10 of the Local Plan.

Units 9, 10, 11 and 12

- 9.24. These units are positioned along the eastern boundary of the site, extending to the northern boundary.
- 9.25. Previously a terrace was proposed here. The applicant has advised of a number of issues with these units specifically relating to internal layouts, outlook, lighting. As a result of the proposals unit 9 has been reduced in size and is now positioned to the south of unit 4 and accessed from within the eastern courtyard. As a result, this property now benefits from an improved outlook and light levels. The previously approved private courtyard was surrounded by high walls and offered limited outlook to future occupiers. The revised layout allows for a larger courtyard which does not limit outward views.
- 9.26. The size and layout of units 10 and 11 have also been revised so that both units now form courtyard dwellings. Alterations to the plan form of the development mean that the now proposed unit 11 is positioned further south within the site adjacent to No.10, facing both east and west. These dwellings would however still feature a set back from the northern courtyard by way of a planting buffer. The dwellings would benefit from suitable light and outlook levels and feature external amenity spaces with greater privacy.
- 9.27. Unit 10 features an additional bedroom, however the overall floor space of the building still complies with national minimum space standards, this is not considered to impact upon the viability assessment for affordable housing as submitted as part of the original application.
- 9.28. Amendments to the layout of the scheme result in the creation of a detached unit (12) in the north-eastern corner of the site. This property is positioned so that it provides a break from the rest of the terrace. As a result, this property now seeks to respond the Mallory Road in terms of its design. The visual break from the northern terrace is considered successful and avoids any awkward junctions between these two elements. It is confirmed that no communal access will be had into the site from Mallory Road, the steps to the western side of unit 12 provide access to this property private rear amenity space.
- 9.29. The revised form and massing of the now unit 12, on the north-eastern corner has addressed the concerns set out by the Urban Design officer as part of the 2020 application. The gable ended roof form and eaves level are more in keeping with the character of other buildings on Mallory Road. The lower volume on the east also softens the visual impact of the otherwise relatively tall building here.
- 9.30. The contemporary architecture of this group of dwellings (10, 11 and 12) is supported. The solid roof form proposed to No.12 is also supported. Amended plans have been received during the lifetime of this application to overcome concerns by the design officer with regard to the glazed eastern gable of this property. Amendments have been received which reduce the level of glazing on

the gable end to a single pane of glass either side of the central brickwork. This is considered an improvement. In order to not impact on light levels into this room, as recommended by the design officer, a dormer similar to that proposed on units 10 and 11 is proposed on the southern elevation. It is considered that this unit more sensitively address Mallory Road than the approved scheme in accordance with CP12 of the City Plan Part 1.

- 9.31. In terms of impact to neighbours, Unit 12 is positioned close to the northern boundary than the approved scheme by approximately 2.3m. A separation distance would be maintained of 7.6m between the rear elevation of this unit and the northern boundary. No.6 Mallory Road is located immediately north of the site. The height of unit 12 which fronts Mallory Road has been reduced in height when compared to earlier schemes. The highest ridge point of the dwelling also does not exceed the 2018 approval. It is acknowledged that this new dwelling will have some impact on the light levels received by the side windows of No.6 Mallory Road. However, it is noted that these are secondary windows to a kitchen and living room which also benefit from windows to the front or rear. The impacted window at first floor serves a bathroom. As such it is not considered that the development would result in harm so significant as to warrant the refusal of this application.
- 9.32. It is noted that objections have been received in respect of a lack of privacy towards this privacy. The windows facing on to the side elevation of 6 Mallory Road serve a central staircase and two first floor bedrooms, which would be comparable to the ground floor of properties on Mallory Road.
- 9.33. This new dwelling proposes two windows at first floor which serve bedrooms and provide outlook over No.6 Mallory Road. In order to prevent any harmful levels of overlooking and loss of privacy towards this property, it is considered suitable to condition these windows to be obscurely glazed up to 1.7m in height. Whilst it is acknowledged that for the rear bedroom in this unit, there would be limited outlook, on balance this is considered acceptable given the standard of accommodation throughout the rest of the property. As a result this element of the scheme is considered to comply with policies QD27 of the Local Plan and DM20 of the CPP2.
- 9.34. The new built form of unit 12 would be in closer proximity to an existing street tree on Mallory Road than the approved scheme. This application is accompanied by a tree constraints plan and Arboricultural impact assessment. The Arboriculture officer has commented that the construction of a wall and physical protection to the stem during construction are welcomed.

Northern Terrace (Units 13-19)

- 9.35. The approved terrace group to the north of the site are dominated visually by the provision of the main car parking area to the front elevation. This application seeks to relocate the parking area adjacent to the rear elevation of the central barn. A benefit of this is that new south facing communal lawned gardens will be created for residents. Amendments have also been provided to ensure that each of the terrace dwellings features defensible space to the front, consisting of planting. The windows within units 7 and 8 which are located adjacent to the new

parking area have been increased in height to ensure acceptable levels of outlook remain.

- 9.36. The north facing rear terraces include a level change leading to the rear gardens. The approved scheme provided single aspect living spaces. The reduction of the number of units in this terrace from 8 to 7 allows for alterations to the internal layouts of these units.
- 9.37. The terrace features amendments to its external appearance such as the central section stepping forward. Whilst this does not reflect the simple, consistent building lines of the historic buildings, which is regrettable, it is not considered that this would cause any significant harm to the setting of the historic barns.
- 9.38. The external design of the dwellings has been amended to provide a simplified roof design and elevations that are more consistent with the character of the rest of the development. A similar level of glazing is proposed to the proposed ground and first floor levels to the rear elevation with simplified roof lights within the roof slope.
- 9.39. The roof form to the front of this terrace group has been amended which now results in a consistent ridge line. This now appears more refined than the approved 2020 application and more cohesive with other elements of the scheme.
- 9.40. The terrace has been increased in height above the 2020 application by approximately 0.6m. It should be noted however that the eaves height of the terrace is the same as that approved under the 2020 scheme. Further the terrace remains 0.9m below the approved 2018 scheme. A contextual long section has been provided to demonstrate and confirm that the terrace would not be viewed above the main barn when viewed at eye level from The Drove way thereby complying with policy HE10 of the Local Plan.
- 9.41. The footprint of the terrace has positioned further north so that consequently the separation distances between the terrace and No.6 Mallory Road have been reduced. The greatest difference is to the eastern end of the terrace group. It is noted that this end of the terrace is more sensitive, being adjacent to the neighbouring building. The resultant terrace would be approximately 0.5m nearer than the approved 2020 scheme at this point. However, this distance isn't considered to result in a significant impact to the amenities of this neighbouring occupier in the context of the terrace as a whole which has been approved in principle. It is further noted that the central part of the terrace would also measure between 0.6 and 0.9m closer to the boundary however the relationship between the terrace and neighbouring occupier remains acceptable. The development is therefore considered to comply with policies QD27 of the Local Plan and policy DM20 of the CPP2.

Other matters

- 9.42. Details have been submitted in relation to a number of conditions that were imposed on application BH2020/00931.

- 9.43. The details in relation to conditions 5, 8, 14, 17, 18, 20, 24 (relating to disabled parking, cycle parking, electric vehicle charging points, vehicle parking, CEMP, materials and wheelchair accessible dwellings) have been duly considered and are found acceptable. However, given the comments received from consultees, some conditions will have to be re-imposed at this stage as per the 2020 approval (BH2020/00931).
- 9.44. The submitted Construction Environmental Management Plan can ensure neighbouring amenity is satisfactorily protected during construction. External lighting can be controlled by condition to prevent pollution.
- 9.45. S106 - Mitigation measures secured via S106 on the original scheme remain unaffected by this application and would still apply.

Conclusion

- 9.46. Overall, the layout and design changes are considered an improvement and are supported. It is acknowledged that there are some slight changes to the amenities of neighbouring properties, particularly as a result of the repositioning of the northern part of the site. However, on balance in the context of the approved application (BH2020/00931), the amendments proposed to the existing permission would not result in undue harm, and result in a more efficient use of the site and one which is sympathetic to heritage assets. This is welcomed in accordance with policies CP12, CP14 and CP15 of the City Plan Part One, Policy HE10 of the Brighton and Hove Local Plan and Policies DM18, DM19 and DM22 of the City Plan Part Two.

10. BIODIVERSITY & CLIMATE CHANGE

- 10.1. This application makes efficient use of the existing site and buildings. Through conditions attached to both the original application and the current scheme, the proposals will provide improved biodiversity with food growing opportunities within the landscaping and habitat creation with the inclusion of swift boxes. In addition, sustainable measures such as cycle parking is to be provided on site and electric vehicle charging points for all dwellings.

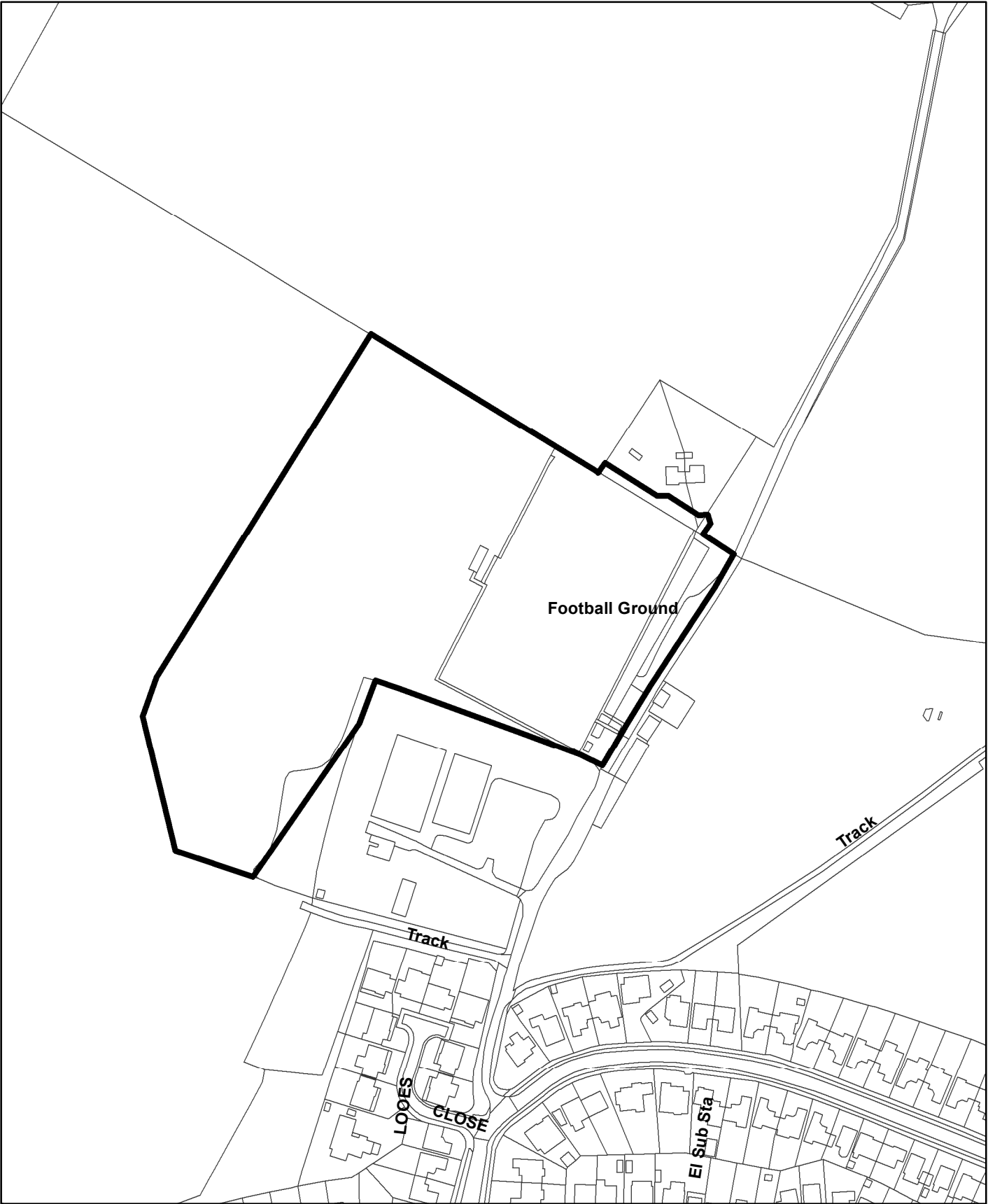
11. EQUALITIES

- 11.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition, 5% of the new dwellings are to meet Wheelchair Accessible Standards.

ITEM D

**Saltdean United Football
Club and Playing Fields
Saltdean Vale
BH2021/04508
Full Planning**

DATE OF COMMITTEE: 5th October 2022



Scale: 1:2,282

<u>No:</u>	BH2021/04508	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Saltdean United Football Club and Playing Fields Saltdean Vale Saltdean Brighton BN2 8HE		
<u>Proposal:</u>	Installation of a 3G artificial football pitch, fencing, replacement spectator stand, external seating area, new clubhouse, car and cycle parking. (Revised plans to re-position clubhouse, revised landscaping and parking layout).		
<u>Officer:</u>	Mick Anson, Tel: 292354	<u>Valid Date:</u>	25.01.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.10.2022
<u>Agent:</u>	ECE Planning Brooklyn Chambers 11 Goring Road Worthing BN12 4AP		
<u>Applicant:</u>	Saltdean United Football Club C/O ECE Planning Brooklyn Chambers 11 Goring Road Worthing BN12 4AP		

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 as set out hereunder.

Conditions:

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

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

To be added to the Additional Representations list.

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, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound

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

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

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

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

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

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

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

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

7. Prior to the commencement of development an energy statement shall be submitted for approval in writing setting out how the clubhouse will achieve

carbon emissions reduction in line with the requirement of the Future Buildings Standards including building fabric details and heating/hot water solutions together with thermal modelling to ensure risks of overheating are mitigated and to ensure correct sizing of heating and ventilation systems.

Reason: In order to comply with Brighton and Hove City Plan Part 1 policy CP8 and Brighton and Hove Submission City Plan Part 2 policy DM44.

8. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externally including fences, gates, walls, posts, railings and any boundary, screening or protective treatments
 - f) Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

11. 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.

12. Prior to occupation, a Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

- 13. The development hereby permitted shall not be first occupied until
 - i) details of the internal lighting to the clubhouse function room and social room as well as 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. The lighting scheme shall include access and entrances to the clubhouse, approved formal parking spaces, the concourse and pedestrian and circulation routes in between.
 - ii) The internal and external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To ensure the safe access and movement of vehicles, pedestrians and spectators associated with the development hereby approved and members of the public during its use and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and Brighton and Hove City Plan Part 1 Policy SA5 and Submission Brighton and Hove City Plan Part 2 policy DM33.

- 14. The development hereby permitted shall not be first occupied until the existing temporary storage containers on the east side of the bridleway shown on the approved plans for removal have been removed from the site and the land restored to the satisfaction of the local planning authority.

Reason: In order to enhance the appearance of the site and the setting of the National Park and to protect and enhance biodiversity and the adjacent Local Wildlife Site in accordance with policy QD18 of the Brighton & Hove Local Plan and Brighton and Hove City Plan Part 1 Policy SA5 and Submission Brighton and Hove City Plan Part 2 policy DM37.

- 15. Prior to occupation, a scheme shall be submitted in writing to the satisfaction of the local planning authority showing the numbers and layout of the informal parking areas shown on the approved plans together with the installation of posts along the boundary of the Local Wildlife Site and National Park Boundary. The scheme shall be implemented thereafter and retained.

Reason: In order to provide a safe parking layout and to protect and enhance natural landscaping and ecology and the setting of the National Park to comply with policies TR7 and QD18 of the Brighton & Hove Local Plan and policies SA5 of Brighton and Hove City Plan Part 1 and Submission Brighton and Hove City Plan Part 2 policies DM20; DM22: DM36 and DM37.

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

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

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

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

18. Within three months of the date of first occupation a Travel Plan and a Match Day Stewarding Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel and Stewarding Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and to minimise noise and disturbance to neighbouring residents and to comply with policies TR4 and QD27 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and DM20 of Brighton & Hove City Plan Part Two.

19. Prior to commencement of use of the 3G pitch, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule including measures to ensure replacement of the 3G pitch within a specified period and a mechanism for review shall be submitted to the Local Planning Authority after consultation with Sport England. The measures shall be applied in full, with effect from commencement of use of the ATP at Saltdean FC.

Reason: To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure benefit of the development to sport and to comply with policy CP17 of the Brighton & Hove City Plan Part One.

20. Prior to commencement of use of the 3G pitch, a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the 3G pitch, ancillary facilities including changing and wc facilities, car parking and include details of pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.
Reason: To secure well managed safe community access to the sports facilities to ensure sufficient benefit to the development of sport and to accord with policy CP17 of City Plan Part One.
21. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
22. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
23. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal and Landscape Use Assessment for Bats (BJ Collins Protected Species Surveyors, December 2021) and the Landscape Design Strategy (Lizard Landscape Design and Ecology, 12.08.22 Rev 06) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of Brighton & Hove City Council's City Plan Part One.

24. The development hereby permitted shall be implemented in accordance with the approved 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 following approved documents:
- Flood Risk Assessment and Drainage Strategy Ref: E8388-RE001 Rev C
 - Associated appendices including:
 - Drainage Layout Sheet 1 Ref. E8388-201 Rev P2 & Sheet 2 Ref 2 E8388-201 Rev P2
 - Exceedance Plan Ref. E8388-205 Rev P2
 - Surface Water Flood Risk Map Overlay Ref. E8388-SK201 Rev P2
 - Typical Details Ref. E8388-250 Rev P1
 - FRA Addendum Ref. E8388-RE003 Rev A
- Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
25. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal and Landscape Use Assessment for Bats (BJ Collins Protected Species Surveyors, December 2021) and the Landscape Design Strategy (Lizard Landscape Design and Ecology, 16/12/21) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of Brighton & Hove City Council's City Plan Part One.
26. 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 (or the relevant updated Standard). 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.
27. The first floor clubhouse hereby approved shall not be open to customers including club members outside the hours of 22.30 to 0700 Sundays to Thursdays and 2300 to 0700 on Fridays and Saturdays. Use of the viewing balcony shall not be permitted after 9.30pm in the evening.
- Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and policy DM20 of Submission Brighton and Hove City Plan Part 2.
28. No open storage except where shown on the approved plans shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties, the visual amenity of the area, the setting of the National Park and protection of wildlife and ecology and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The application site is approximately 3 hectares in size and is located to the north of the built-up area of Saltdean in the urban fringe. It is bounded to the east by Saltdean Vale bridleway, the southern end of which links with Saltdean Vale (road) itself, some 150 metres south of the site. The bridleway is understood to be privately owned and is outside of the red line site boundary but providing access to the site.
- 2.2. The application site (mainly council owned) has been long established as the main home of the Saltdean Football Club and comprises, on the eastern half, a full-sized grass pitch with two small spectator stands on each side; a large training pitch on a raised plateau to the west; and a smaller junior pitch to the south, also on a cut and fill raised plateau. This upper area is open to the public for recreation, with the remainder of the site enclosed with fences.
- 2.3. The main pitch has had floodlights in place, granted consent in 1988. On the eastern side of the bridleway are two single storey buildings which are the existing clubhouse and a changing block as well as various metal storage (shipping) containers used by the club. These do not form part of the application site.

- 2.4. Beyond the main pitch to the south is a former Saltdean nurseries site which has also been used for caravan storage. This site has been allocated for housing in the Submission Brighton & Hove City Plan Part 2 under policy H2. Immediately north of the site is a vacant and boarded up pair of semi-detached dwellings (nos. 1 and 2 Pickers Hill Farm Cottages).
- 2.5. Most of the red line of the application site boundary also marks the boundary with the South Downs National Park (SDNP). Only the former nursery site and farm cottages are within the council's city boundary. The site therefore sits in a valley enclosed to the north, west and east by the SDNP. East of the bridleway is a 2 hectare triangle of woodland which is a designated Site of Nature Conservation Area Interest (SNCI).

3. PLANNING HISTORY

- 3.1. **BH2007/02649** Levelling area of grassland (40 metres by 60 metres) to form mini football pitch. Granted 24 September 2007
- 3.2. **BN87/2264/F** Erection of 4 pole mounted floodlights to illuminate southern end of pitch. Granted 29 March 1988
- 3.3. **BN87/1833/F** Erection of single storey detached building to form toilets. Granted 01 December 1987
- 3.4. **BN85/1534/F** Erection of single storey building as club room for Saltdean United FC Granted 26 November 1985
- 3.5. **BN85/77/F** Erection of stand for spectators to west side of football pitch Granted 05 March 1985

4. APPLICATION DESCRIPTION

- 4.1. The proposed development comprises the replacement of the existing covered east stand with a new two storey pitched roof clubhouse with ground floor changing rooms, storage and ancillary facilities. On the first floor is proposed a function room, social room, bar and toilets and an outdoor viewing terrace overlooking the pitch. The clubhouse would be in brick to the ground floor elevation with stained weathered timber and part curtain walling/glazing to the function room. The main grass pitch would be replaced with a 3rd generation (3G) Artificial Turf Pitch (ATP) retaining the existing floodlights.
- 4.2. On the western side of the pitch is proposed a replacement covered spectator stand that could accommodate 300 people, approximately half of them seated. The stand would have a single piece profiled metal roof and rear wall with open sides.
- 4.3. Security fencing to 2m in height would be installed around the pitch and concourse area adjacent to the proposed clubhouse, with the exception of the

north-eastern end where rebound fencing to 4m in height would be installed. Netting to 6m would be installed inside the security fencing behind the south-western goal. A pitch store for maintenance equipment for the new ATP is proposed north of the clubhouse on pitch side.

- 4.4. In order to construct the new clubhouse, existing beech trees south of the current small stand are proposed to be felled. The belt of beech trees to the north of the stand would be retained. A landscaping scheme is proposed around the perimeter of the site.
- 4.5. In order to deliver and accommodate the new pitch, realignment of the driveway to the farmhouses at the northern end of the pitch would be necessary, along with replacement landscaping.
- 4.6. During the course of the application, objections were raised by Southern Water over the siting of the clubhouse as it was too close in proximity to an underground water and waste water services which could not be diverted. The site is at the confluence of a number of services and a pumping facility. As a result, the scheme was amended to site the clubhouse 22 metres north of its original position, and now sits wholly in the north half of the pitch instead of equidistant either side of the halfway line.
- 4.7. The proposal would provide 25 formal parking spaces including 3 disabled bays. In addition at least 15 informal bays are shown on the plans that could be accommodated on the east side of the bridleway with new cycle parking for 30 bikes is proposed on site.

5. REPRESENTATIONS

- 5.1. **Sixty-eight (68)** letters have been received supporting the proposed development for the following reasons:
 - Good Design providing modern facilities for the benefit of the club and community. Good for the club.
 - Aim of increasing participation for women and girls is fantastic.
 - Good for public health. City desperately needs good sports facilities.
 - Local community have been involved in plans at every stage.
 - Design will blend into surroundings, better parking will improve current dangerous parking problems and cycle parking.
 - Disabled parking welcome. Disabled spectators cannot currently attend due to uneven surfaces.
 - Development will maintain public access to the bridleway and improve access to upper level pitches to the west for responsible dog owners for example.
 - Provision of indoor community facilities for classes etc is welcome in the north of Saltdean where no facilities exist.
- 5.2. **Twenty (20)** letters have been received objecting to the proposed development, raising the following concerns:

- Quiet residential area.
- Additional traffic, noise from vehicles, players and crowds in the evenings and disruption.
- Roads are congested when a match is on already blocking buses, emergency vehicles and residents' driveways. Problems not solved. Access only by bridleway.
- Increased accidents to horses and pedestrians. Other events will make it worse.
- No need for more community halls in Saltdean. Overdevelopment in a semi-rural leisure location as important amenity space to locals.
- Poor design.
- Adverse effect on listed building and conservation area. Inappropriate height of building.
- Overshadowing.
- Overlooking Looes Barn properties.
- Impact on residential Amenity.
- Restriction of view.
- Too close to the boundary.
- Loss of access to top fields for walking.
- Detrimental impact on wildlife.
- More rubbish left by match goers.
- Loss of property value.
- Remote location unsuitable for large commercial development.
- Detriment to local residents' quality of life and mental health.
- Gridlock, vehicle fumes.
- Floodlighting shining into residents' houses. Increase in activity and volume of people.
- Noise from function room late at night.
- Plans will impede local access and disrupt or block bridleway.
- Loss of mature trees from a rural setting already deficient in such flora.
- Loss of trees bad for ecology such as bats and air quality.
- Loss of grass replaced by artificial surface.
- Potential for lawful access on bridleway and for Pickers Hill Farm vehicles to be impeded.
- Essential to have trouble free unrestricted access to community to bridleway (BW B4).
- Bridleway width must be maintained at 3 metres.
- Intrusion of clubhouse from South Downs and neighbouring houses is unacceptable.
- No mitigating plans evident.
- Will add to built development that will detract from semi-rural setting.
- Finish and design of building is not in keeping.
- Western roofed terrace will be visible from the surrounding Downland and footpaths and will have an adverse impact.
- Access to the western upper slopes for local community must be maintained.
- Parking will further erode the bridleway.

- More inclusive multi use facility should be conceived complementary to Saltdean Lido.
- Club's current record on maintaining a clean and tidy site is not acceptable due to rubbish discarded on bridleway, hedgerows etc.
- Access along bridleway for farm vehicles and horse owners is made difficult and is intimidating on match days due to overcrowding and poor behaviour.
- Increase light pollution.
- Poor lighting on bridleway unsafe.
- Will increase capacity to a thousand spectators.
- Will bring all the club's activities onto one site instead of even dispersal in the area.

6. CONSULTATIONS

Internal

6.1. **Air Quality:** No objection

Recommend approval. Air Quality in this South Downs setting is clean. The developer should ensure that new parking bays have EV provision in accordance with SPD14 standards.

6.2. **Arboriculturist:** No objection

The only vegetation of note T5 and T10 (with the exception of the line of Beech) are off site and would not be affected by the proposal; proposed landscaping is considered sufficient to mitigate against specified removals. There is a line of Beech trees located upon the eastern boundary, other than providing screening, these are of limited environmental benefit. Arboriculture would wish to see a sizeable portion of this feature retained and will require detailed information on the proposed tree protection measures, especially for the ground protection for proposed parking bays.

6.3. **Environmental Health:** Comments to be reported

6.4. **Heritage:** No comments required.

6.5. **Flood Risk Manager:** Support Approval

The applicant has now addressed the potential for increase in downstream and upstream flood risk. The assumed infiltration rate has been supported by applying a sufficient factor of safety and knowledge of infiltration in the area. Landscape led sustainable drainage has been provided within the site where practicable. Approval is recommended provided that the development is carried out in accordance with the submitted documentation.

6.6. **Planning Policy:** No objection

The principle of this development in a countryside location is considered justified, as required by CPP1 policy SA4, based on the established use although the case officer will need to be satisfied that other requirements of SA4 (notably c and d) have been met. Summary of Comments:

- 6.7. Would replace and upgrade the existing sports facilities and ancillary facilities/infrastructure enabling better and more effective use of existing sports facilities/open space in line with the policy approach for open space and sports provision set out in CPP1 policy CP16 and CP17, and is therefore supported in principle. The losses of open space surrounding the sports pitch would enable provision of ancillary facilities/infrastructure and facilitate improvements to and better use of the sports pitch, meeting exception criteria CP16.1c, however any losses of open space should be minimised. New community facilities provided by the proposed clubhouse could provide a valuable local resource and would be supported by Draft CPP2 policy DM9.
- 6.8. **Sports Facilities and Development: Comment**
The BHCC Sports Facilities Team support the proposal. The proposals improve the provision of sports facilities in the city and the opportunity for increased engagement in sport and physical activity for the football club and the local community. The proposal helps to meet a number of the council's key objectives, outcomes and recommendations set out in a number of council policy and strategy documents.
- 6.9. **Sustainability Adviser: No objections**
The application is recommended for approval with conditions requiring an energy statement outlining how the clubhouse will achieve carbon emissions reduction in line with requirements of the Future Buildings Standard, including building fabric details and heating / hot water solutions.
Thermal modelling to ensure risks of overheating are mitigated and ensure correct sizing of heating and ventilation systems.
BREEAM certification post construction
- 6.10. **Sustainable Transport: Comment**
- Further amendments and details sought in respect of the following: Details of parking at peak periods;
 - The use of the site and timetable of events is not changing significantly therefore it is not forecast that there will be a significant increase or variation in travel behaviours to the site. Predicted spectator figures considered to be low given improved club house may mean site more attractive to visitors;
 - Travel Plan should be required;
 - Rearrangement of carpark to relocated disabled/cycle parking in more prominent and accessible location, close to the main entrance (and clubhouse ramp).
 - Bridleway improvements sought;
 - lighting details sought for safety along bridleway;
 - Refuse collection is to be provided as existing during quiet times as at present and is acceptable. Deliveries would take place in mornings outside busy times and is acceptable. Emergency access would be provided from hard landscaped areas.
- 6.11. **Urban Design: Comment**

- Applicant has responded positively to pre-application advice however despite reduction in height, the eaves height of the building appears unnecessarily high.
- Ridge height is acceptable but elevations appear dominant in long views eg south west elevation.
- The untreated timber on upper elevations is welcome which will fade to a silver colour and look more natural in landscape particularly on south and west elevations. To create a contrasting colour, the brick elevations should be darker to break the volume down. Experiment with light or dark shades. Will create effect of upper floor volume floating above.
- Glazing could be darker to restrict light pollution.
- Seek to elongate ramp to entrance as much as possible with shallower gradient. This would to mitigate impact of east flank elevation from ground view. Options to achieve shallower gradient might be internal reconfiguration to move players entrance to north side and swap with manager's office on floor plan.
- Boundary treatment and landscaping - Fencing on south east corner looks heavy and obtrusive. Investigate less solid types which still prevent view of pitch.
- Formal trees around perimeter of site may not be in character but hedgerows or ground planting in between may be suitable. Seek advice of County Landscape Architect. Seek to retain one or two trees in concourse area.

External

6.12. County Archaeology: Comment

No significant archaeological remains are likely to be affected by these proposals. No recommendations to make.

6.13. County Ecology: No objection

The impacts can be mitigated through the application of planning conditions outlined in this response. Site is not designated for its nature conservation interest but is adjacent to Looes Barn Woodland Local Wildlife Site (LWS) 10 metres to the east.

6.14. The proposed development will result in the loss of amenity grassland, the majority of the treeline along the eastern boundary and some mixed scrub. In light of the proposed landscaping strategy which proposes the enhancement of retained grassland, tree planting and the creation of a mixed species-rich native hedgerow, the habitat loss is acceptable.

6.15. The Lighting Statement suggests that tinted glass or internal blinds could be used. It is recommended that a lighting design strategy is required by condition.

6.16. A nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist and appropriate mitigation undertaken if required.

- 6.17. The site offers potential for hedgehogs. Precautions should be taken during site clearance and measures should be taken to ensure continued presence of the species on site post development.
- 6.18. The Biodiversity Net Gain (BNG) Assessment Report (Lizard Landscape Design and Ecology, 16/11/21) reports that the proposed landscaping will result in a biodiversity net gain of 10.47% for habitats and 10.59% for linear features (hedgerows). The proposed enhancements are supported. The species proposed in the Landscape Design Strategy are appropriate.
- 6.19. Conditions recommended to secure identified biodiversity enhancements, a Landscape Environmental Management Plan and a Lighting Design for light sensitive biodiversity.

East Sussex County Landscape Architect:

- 6.20. No objections - could have an acceptable impact on local landscape character and views subject to landscape conditions recommended. The Landscape and Visual Assessment finds that the effects on the closest viewpoints are negligible adverse and minor adverse and the conclusion that the potential landscape and visual effects would not be significant is not disputed. The proposed mitigation strategy is acceptable. The thinning of the row of beech trees is supported as it is an overgrown hedge and the trees are currently too closely spaced. The replacement tree on the concourse is supported and is more likely to grow into a specimen tree than the beech trees.
- 6.21. **East Sussex Fire and Rescue Service:** Comment
Recommend the installation of fire sprinklers.
- 6.22. **South Downs National Park Authority:** Comment
The site is immediately adjacent to the boundary of the National Park and has clear potential to impact on its setting. The Design and Access statement and Landscape Strategy note the proximity of the park but no assessment is made of likely impacts. Only one viewpoint from the park has been included. A more comprehensive assessment is required to be assured that any harm proposed is minor and capable of being mitigated by landscaping. Proposed tree screening cover is acceptable in principle but needs more trees in less regularly spacing clusters. Careful consideration should be given to International Dark Skies Reserve and a sensitive approach to internal and external lighting is required. Lighting should also take account of biodiversity sensitivities to avoid disturbance to wildlife.
- 6.23. **South Downs Society:** Comment
Refers to Policy SA5 of City Plan Part 1 (setting of South Downs National Park). Considers that the proposal would increase the prominence of built form in the setting of the SDNP. Additional development on the site should take account of different context since national park designation. Landscape mitigation measures should be considered whether they are sufficient. Proposed stand when viewed from north east will be far more extensive than existing and would harm and not conserve and enhance the natural beauty. Regard should be have to Dark Sky Reserve not only for floodlighting but light emitting from clubhouse.

6.24. **Sport England: No objection**

Sport England does not wish to raise an objection. Sport England is satisfied that the proposal meets Exception 5 of its Playing Fields Policy as the proposed development is for an outdoor facility for sport, the provision of which would be sufficient benefit to the development of sport as to outweigh the loss or prejudice the use of a playing field. Conditions recommended including the securing of a management and maintenance scheme and a community use agreement.

Follow up comment:

- 6.25. Previous comments remain relevant. Welcome amendment to confirm that 3m clear pitch run off areas will be incorporated.

6.26. **Southern Water:**

Final Comment No objections

The submitted drawings now show a 3 metre and a 6 metre easement on either side of the public foul sewer and water distribution main is satisfactory to Southern Water. All other comments previously remain valid.

Comment

- 6.27. Map supplied of existing foul sewer and water main assets. It might be possible to divert the water main at developer's expense. 6 metre clearance required for water main and no trees should be planted within 3 metres of edge of public gravity sewer. Applicant may wish to amend site layout or combine with a diversion. Development is sited in Special Protection Zone 1 so enhanced protections of aquifer are required in a Construction and Environmental Management Plan (CEMP).

6.28. **Sussex Police: Comment**

No major concerns with the proposals at this location. Applicant is advised to consult with Police Licensing before making plans for licensed premises. Whilst the clubhouse facility may represent a risk of noise disturbance, by using acoustic glazing and good management any remaining impact will be very low given distance to most residential properties. Proposal is considered acceptable in residential amenity terms. However given the proposed terrace, and late night use of the building a condition controlling hours of reasonable trading should be applied. Consideration of CCTV provision should be given and bike stands should enable wheels and bike frame to be locked.

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

SA4 Urban Fringe

SA5 The Setting of the South Downs National Park

CP2 Sustainable economic development

CP5 Culture and tourism

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP16 Open space

CP17 Sports provision

CP18 Healthy City

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD15 Landscape design

QD16 Trees and hedgerows

QD18 Species protection

QD27 Protection of amenity

HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

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.

DM9 Community Facilities (significant weight)
DM18 High quality design and places (limited weight)
DM20 Protection of Amenity (significant weight- more than BHLP Policy QD27)
DM22 Landscape Design and Trees (significant weight)
DM31 Archaeological Interest (significant weight-more than BHLP Policy HE12)
DM33 Safe, Sustainable and Active Travel (significant weight)
DM35 Travel Plans and Transport Assessments (significant weight)
DM36 Parking and Servicing (significant weight)
DM37 Green Infrastructure and Nature Conservation (limited weight)
DM40 Protection of the Environment and Health - Pollution and Nuisance (significant weight)
DM42 Protecting the Water Environment (significant weight)
DM43 Sustainable Urban Drainage (significant weight)
DM44 Energy Efficiency and Renewables (limited weight)
H2 Housing Sites - Urban Fringe

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

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

- Principle of the development
- Design and Appearance;
- The Impact on the Setting of the South Downs National Park
- The impact on biodiversity;
- Impact on amenity;
- Sustainable transport considerations; .
- Sustainability; and
- Flood risk

Summary

9.2. The current site is a well-established sports facility which has been used for decades with small scale infrastructure being added periodically. The principle of improving and enhancing sports facilities which would contribute to the enhancement of opportunities to enable an increase in participation in sport and recreation and improve health outcomes is supported by City Plan policy.

9.3. The site is however in a sensitive location outside of the built up area and adjacent to the South Downs National Park. The proposed clubhouse has been sensitively designed to take account of its setting and to reflect the rural vernacular. It is an attractive design with use of high-quality materials proposed. The design has taken account of the need to improve accessibility on the site of

the football ground and club facilities for visitors and spectators of the club with improved parking for vehicles and cycles.

- 9.4. The proposal has been amended to take account of other constraints notably Southern Water infrastructure which required a major re-siting of the clubhouse to the north and the updating of environmental reports. Whilst the loss of an unmanaged beech vegetation is required to accommodate the clubhouse, the proposals include significant enhancement of planting of trees and hedgerows using native species which will provide suitable screening and enhancement of the site's setting for the nearest dwellings and will enhance biodiversity. The design and siting of the clubhouse and other infrastructure is not considered would cause any significant harm to the setting of the National Park (assessed as minor or negligible) and takes account of the nearby Local Wildlife Site with no harm identified.
- 9.5. Concerns about the amenity impacts on local residents would be addressed by planning conditions to formalise access and parking arrangements and provide improved management measures. It should be borne in mind that use of the site has evolved over years with no formal controls through the planning system. It is a consideration that there is also significant support amongst Saltdean residents for the proposals.

Principle of the Development:

- 9.6. The proposal would replace and upgrade the existing sports facilities and ancillary facilities/infrastructure enabling better and more effective use of existing sports facilities/open space in line with the policy approach for open space and sports provision set out in CPP1 policy CP16 and CP17 and is therefore supported in principle. The amendments to the location of the proposed clubhouse have not altered the policy considerations and the Planning Policy Team have not commented again.
- 9.7. The losses of open space surrounding the sports pitch would enable provision of ancillary facilities/infrastructure and facilitate improvements to and better use of the sports pitch, meeting exception criteria CP16.1c, however any losses of open space should be minimised. New community facilities provided by the proposed clubhouse could provide a valuable local resource and would be supported by Submission Draft CPP2 policy DM9.
- 9.8. The site is located in the Urban Fringe where City Plan Part 1 (CPP1) policy SA4 applies. The Planning Policy team consider that the principle of development is justified. Criteria 5 b) permits development where a countryside location can be justified subject to demonstrating that the proposal meets other criteria c) to e) in the policy. Given the long established use of the site for sports and recreation, football in this case, the provision of better quality supporting infrastructure is acceptable in principle. The site has been used by Saltdean Club for many generations and infrastructure has gradually evolved such as the floodlights, existing club buildings and the re-landscaping of the natural topography for the training pitches. The whole site as used by the club has a reduced landscape quality and is not included within the SDNP where its boundary forms the perimeter of the application site.

- 9.9. The application has been accompanied by reports, landscape proposals and visual assessments which take account of the downland landscape setting in the design response and mitigation of the proposals. These are discussed subsequently in this report.
- 9.10. Policy SA5 requires that proposals within the setting of the National Park should not prejudice the statutory purpose and duty of the National Park which are to conserve and enhance the natural beauty, wildlife and cultural heritage and secondly to promote opportunities for the understanding and enjoyment of the park by the public.
- 9.11. Policy CP16 (Open Space) states that the council will work collaboratively to safeguard, improve, expand and promote access to the city's open spaces.
- 9.12. The main pitch is not available to the public as open space but is leased from the city council for use by the club and its members. However, its location in the urban fringe takes advantage of its open space location. By installing an ATP, greater use and access of this sports facility would be enabled whilst at the same time potentially easing wear and tear on the grassed public open space within the application site which is used both for sports as well as general recreation and as access to the downland.
- 9.13. The bridleway which is outside of the application boundary would not be encroached upon by buildings and indeed, the removal of some of the unsightly temporary buildings would release some open space and protects the rights of walkers, mountain bikers and horse riders whilst protecting access to the farmland and buildings.
- 9.14. The main pitch is a playing field and the provision of an ATP does constitute development on land which includes a playing pitch, hence the requirement to consult Sport England (SE) as a statutory consultee. By developing the ground further to enable increased usage and potentially increase participation in sport, it has been confirmed by Sport England that the proposed development would meet its Exception 5 criteria in that 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'
- 9.15. Sport England have assessed the benefits of the proposals, which as a guide can be measured by whether they meet an identified local need in a local authority strategy and secure sports related benefits for the local community. Sport England's feedback from the Sussex Football Association is that the club have 17 teams (age under 7 to 18) including 2 women's teams and under 23.
- 9.16. The applicants have submitted detailed supporting evidence of how the proposals would increase opportunities for participation particularly amongst women and girls who traditionally participate less in sport and physical activity.

- 9.17. The club has 200 youth players, 80 adult players and 400 non-playing members. The club's teams have progressed up the pyramid structure of the various leagues and in particular the 1st Team are required to retrospectively upgrade their facilities to meet league standards at the level they currently play at.
- 9.18. The revised siting of the proposed clubhouse has been commented upon by Sport England who have confirmed that they have no additional comments to make in this regard. It would wish to see conditions applied to secure a community use agreement and facility management and maintenance fund which are added.
- 9.19. Currently there is capacity for 200 spectators which is above the usual attendances. However, the facilities are not modern, comfortable or accessible for participants or spectators. The facilities would enable the club to expand its offer to wider diversity of age group and ability, as well as provide more security and welfare and accessible facilities at the ground and secure the longer term sustainable development of the club. The new clubhouse would be fully accessible with level access and an internal lift, disabled toilets and 3 disabled parking bays with hard surfacing around the curtilage of the building. Currently the club has to hire pitches and training facilities elsewhere and the new facilities would enable the club's members, coaches and teams to share facilities at one venue in a more sustainable manner reducing travel and enhancing welfare. A current weekly timetable has been submitted in evidence to demonstrate how Oval Park, Saltdean and other off site recreation facilities are hired.
- 9.20. The Sports Facilities Team have commented that the proposed development would go towards meeting the Corporate Plan objectives for Health and Well Being and the Sports and Physical Activity Strategy by encouraging outdoor recreation and the supply, accessibility and quality of sports facilities. The re-siting of the clubhouse has not altered these considerations. Local residents who support the proposals have referred to the need for improved facilities in Saltdean. Policy CP17 (Part 6) encourages new sports facilities which meet quality standards, optimise their accessibility and affordability for the local community which this proposal would achieve.
- 9.21. The Playing Pitch Strategy (2017) which supported policies CP16 and CP17 identified shortfalls in pitch quality to alleviate overplay and increase future capacity and recommended exploring the feasibility of increasing 3rd generation pitches as proposed by this application.
- 9.22. Policy CP17 seeks the more effective use of existing outdoor facilities and spaces which the application would achieve and is therefore supported by the policy. Policy CP18 part 4 encourages development that works toward Lifetime Neighbourhood principles; promotes health, safety....and active space for children and encourages physically active modes of transport.
- 9.23. Emerging policy DM9 of City Plan Part 2 supports new community facilities where they are compatible with adjoining and nearby uses and is close to the community it serves.

Design and Appearance:

- 9.24. The design and appearance of the proposed clubhouse building was discussed with officers at the pre-application stage and the applicant's response to advice from both the Design and planning case officer has been positive.
- 9.25. The design is based upon a rural theme of an agricultural building, picking up on those at Pickers Hill Farm to the north with a simple 2 storey form with pitched roof and gabled end. Due to the site geometry, an angle was introduced on the east elevation which had the effect of producing an asymmetric design which is considered to add visual and architectural interest in this sensitive location and is welcomed. The strong overhanging eaves line provides additional 3 dimensional form which is welcomed in architectural terms and will assist with solar and artificial light issues.
- 9.26. The advice to the applicants at pre-app was to reduce the eaves height. The submitted plans show that the amended eaves would be a metre lower than originally designed but cannot be reduced further in a meaningful way without losing the asymmetry which is a design positive feature. This has been accepted by the Design Officer. The two-tone cladding materials of brick and weathered timber is supported to help mitigate its impact and pick up the rural vernacular. The timber façade will fade to a pleasing silvery colour which will not be intrusive or imposing. The proposed design would raise the standard of architecture and design in the city and respects its rural context in accordance with CPP1 policy CP12.
- 9.27. In compliance with policy CP12, care has been taken to ensure that the building would be fully accessible including a lift and accessible toilets at both floor levels. Amendments have been made partly in response to comments about co-location of disabled parking bays and building access to ensure that the building and its curtilage allow for full accessibility which cannot be achieved now for spectators.
- 9.28. Following the major necessary revision made to the scheme to re-site the clubhouse, it has enabled further improvements to be made. The long external ramp on the east flank which compromised the design and external appearance is not now required. The building would now have a single entry point at the south end which is the lower end of the site and can provide level and direct access to the lift to the first floor club room and spectating facilities. Removing the north entrance and second stair core has enabled a more efficient simplified floorspace layout to be provided. The disabled parking bays have been relocated to the southern end, close to the building entrance and the hard surfaced spectator concourse area for easier access.
- 9.29. The revised plans have removed the very shallow angled south elevation to from a straight building line other than that the changes are mainly internal. The design would still retain its more interesting asymmetric roof form which was welcomed. The length of each of the elevations would be fractionally altered (less than a metre) with a slightly narrower south elevation and a slightly longer west elevation.

- 9.30. The use of extensive glazing on the west elevation which would wrap around the corners is welcomed and provides a good solid to glazed ratio and a lighter appearance of building facing the downland. The glazing would be in darkened glass to reduce solar glare and to address issues of artificial light spill in the context of the National Park.
- 9.31. Overall, the design of the clubhouse and choice, quality and palette of materials are considered to be high and are appropriate in this rural context taking its design theme from agricultural buildings profile and would comply with policy CP12 of CPP1 and emerging policy DM18 of CPP2 which now carries significant weight.
- 9.32. The spectator stand proposed on the western side of the pitch in a central position is significantly larger than the current stand and has been built into the artificial embankment formed decades previously. The provision of 300 covered spaces is a Football Association's Ground Grading requirements for the league that Saltdean FC play in.
- 9.33. The mono pitch roof form is a simple one-piece structure, open at the sides to minimise the visual impact from the north and south in downland settings. The corrugated metal materials are in a similar palette and texture to agricultural buildings again. By cutting into the slope, the back of the stand (height 3 m.) would be partly obscured from higher ground. At the front of the stand the grassed embankment is retained. Either side is proposed open standing space. Due to the re-siting of the clubhouse, the dugouts for coaches/managers etc have been moved to the west side of the pitch and incorporated into the open standing areas.
- 9.34. The Artificial Turf Pitch would be a standard full sized pitch at 100m x 64m to meet requirements. The existing driveway to the farmhouses would require a modest re-alignment to accommodate the pitch run off areas.

Fencing and boundary treatment

- 9.35. At the south end of the pitch would be a 6 metre high net and ball stop system which extends approximately half the width of the pitch. It would be in a black colour as requested to minimise visibility from distance. At the north end would be a 4.5m high rebound fence in galvanised weld mesh panels again in a black colour to minimise visibility. This fence would be full width of the pitch. Behind the fencing at the north end is proposed native tree and 2.5-3m width hedge planting to mitigate the visual impact and screen views of the pitch. This would replace the multi stemmed hawthorn tree line.
- 9.36. A 2 metre high security barrier is required to run from the clubhouse and around the pitch perimeter and spectator areas on the east, south and west sides of the pitch. The requirement is to ensure ticketed only access for viewing. The fencing indicated is a timber solid panelled with metal posts and would have a softer appearance than metal fencing. Discussions with the applicants have centred around reducing its visual impact seen from the bridleway whilst achieving its objectives of screening the pitch from casual viewing.

- 9.37. The more visible elements of the fencing would be on the west perimeter of the ground as seen in longer views viewpoint 3 from the east against the embankment of the raised training pitch. It would be seen as a continuation of the back of the new spectator stand which itself would 2.4 metres in height as illustrated in the proposed viewpoint. Given that the raised training pitch (permitted in 2007) is an artificial landscape element in the backdrop, it is not considered that the fencing would result in unacceptable harm in this view. In other long views from the north and south, the existing natural screening or the embankment itself would largely screen the fencing from sight. It is considered therefore that the necessary infrastructure would comply with policies CP12 and SPD17 Guidance.

Impact on the Setting of the South Downs National Park (SDNP)

- 9.38. Policy CP12 requires developments to have regard to the impact on the purposes of the National Park where within its setting which the site is. Strategic views in and out of the city should be protected or enhanced. The site is outside but adjoins the National Park.
- 9.39. The applicant has prepared 4 key viewpoints of the proposed development and a Lighting Statement to take account of the potential impact on the SDNP as a Dark Sky Reserve.
- 9.40. The site's location in a valley floor screened from the east partly by the Local Nature Reserve on the east boundary of the bridleway means that only select medium range views of the proposed development can be obtained. The viewpoints have been updated to reflect the re-siting of the clubhouse. There are limited footpaths leading from the site providing viewpoints for analysis. In view 1 from the north west on a footpath leading from Pickers Hill Farm, the clubhouse would be less visible than it would have been centred on the halfway line. Heavy screening north of the pitch and site would partially obscure the lower elevations and north end of the building. In the backdrop is the nature reserve immediately behind whilst rising up the slopes is the settlement of Saltdean with a modest sight of the national park on the horizon. The clubhouse nestles in the valley floor and would have limited impact on the wider setting of the national park. Whilst the loss of the beech trees would be lost from the view, the extensive nature reserve would still frame the clubhouse in this view.
- 9.41. In views 2 and 3 taken from the north east, the current pitch, the proposed stand, floodlights and the raised embankment of the training pitch are quite visible. The view is heavily screened by trees along the bridleway and trees around the 2 vacant council owned dwellings. The more natural landscape of the downland forms the backdrop higher up the slopes. The roof of the clubhouse may be glimpsed but the remainder would be obscured by trees and vegetation along the east side of the bridleway which are not affected by the proposals. The spectator stand would be visible but set against the background of the raised embankment. The proposed buildings and structures would not be in the eyeline of the view of the higher slopes of the downland but of the raised training pitch.

- 9.42. View 4 is taken from within the Saltdean built up area on Wivelsfield Road looking north east. It provides the best aspect of the National Park in the background. The main pitch is not visible surrounded by trees and vegetation but the training pitch plateau appears as an unnatural feature in the landscape and the Pickers Hill Farm buildings also intrude into the natural landscape. The elevated nature reserve is prominent in the view however as are existing housing settlements.
- 9.43. Following additional landscape assessment work submitted by the applicants, the County Landscape Architect has no objections to the proposals. The additional assessment addresses the issues raised by the SDNP authority. The revised siting of the clubhouse has not altered this opinion. Initially she had commented on the original proposals and drawn attention to the need to conserve and enhance the natural environment and SDNP landscape in line with national planning policy. Her view is that the proposed development would have a negligible adverse and minor adverse impact on the SDNP respectively in views 1 and 2. The findings of the Landscape Visual Impact that the potential landscape and visual effects would not be significant are not disputed by the County Landscape Architect. The proposed landscape mitigation strategy is considered to be acceptable and would help to integrate the scheme into the surrounding area. It is recommended that the hedge be extended along the extent of the security fencing which could be specified in a landscape condition. The thinning of the overgrown beech trees is acceptable and overall there are no objections from the County Landscape Architect.
- 9.44. The club has agreed to remove a number of unsightly metal containers on land which it controls under their lease on the east side of the bridleway which is within the SDNP boundary. The removal of the containers would provide minor enhancement to the setting of the park and improve the nature conservation area which it encroaches into. They would also enable some additional informal car parking as shown on the revised plans. The removal of the containers can be secured by condition.
- 9.45. It is considered that the proposals would meet policy CP12 requirements by protecting the views out of or within the city. The viewpoints identified are not longer strategic views as set out in SPD17, the Urban Design Framework requiring special protection. The site is set in a valley which is seen in shorter range more localised views. The proposal has also been assessed as having a minor adverse impact on the SDNP and can be supported therefore.

Impact on the SDNP Dark Sky Reserve

- 9.46. A Lighting Statement has been submitted setting out the lighting proposed for the club house and considerations related to lighting.
- 9.47. The current main source of lighting at the site is from the floodlights which were granted permission in 1988. These floodlights will serve the new artificial pitch. There are no planning conditions restricting use of the floodlighting from the 1988 permission or since. However, the pitch is intended to be used until 10pm weekdays except Fridays until 9pm which is much the same as now with earlier finishes at 5-6pm at weekends.

- 9.48. The club house would have extensive glazing which raises the issue of lighting glare impacting on the setting of the National Park. The glazing itself would feature darkened glass and the building design includes a canopy to control potential upward glare. The SDNP planning authority have not provided comments other than an acknowledgement of the consultation. Any comments received will be reported verbally.
- 9.49. The floodlight use would render the impact of lighting from within the clubhouse to being negligible except those hours outside of playing hours above. In the summer months lighting impacts from the clubhouse would be reduced by longer daylight hours. The intended use of the clubhouse would be as now potentially until 11pm. The applicants have suggested that darkened glass or blinds could be used to minimise lighting glare impacting on the setting of the national park.
- 9.50. The applicants have stated that the only new external lighting that they intend to provide would be lighting to new doorways and entrances which would be of low levels of illumination to the clubhouse. It is considered that there would be a need for low level lighting in the circulation areas in the parking and concourse areas particularly for reasons of safety and accessibility. There is some existing external lighting on the existing club buildings to help light the area around the bridleway and those buildings. These are outside of the red line of the application and are not proposed to be altered.
- 9.51. The County Ecologist recommends a lighting design strategy in order to ensure that wildlife is unaffected by the proposals particularly taking account of the adjacent LWS. It is considered that a lighting condition could be applied but as the clubhouse would face the pitch and turn its back on the LWS, the impact is likely to be minimal.

Impact on the Biodiversity:

- 9.52. Retained policy QD15 and Submission policy DM22 require proposals to retain, improve and provide appropriate landscaping. The landscape scheme has been considered as an integral part of the development and identified landscaping to be retained, removed and new landscaping provided using native species appropriate to the site.
- 9.53. Whilst the loss of the extent of the overgrown beech hedgerow is regrettable, it is a point of agreement by the Arboriculturist and the County Landscape Architect that they were originally unmanaged hedgerows which have not been maintained. The beech trees now overcrowd each other to the detriment of all of them. It is understood that they were originally planted by volunteers of the club.
- 9.54. The provision of two substantial replacement trees to the south of the clubhouse are welcomed by the Arboriculturist and County Landscape Architect as are the additional native hedgerow and tree planting to help mitigate some of the necessary infrastructure proposed. The clubhouse would be a high quality design and would not require substantive planting to obscure it from view. It would sit in the setting of the substantial woodland (Looes Barn Woodland Local Wildlife Site) to the east when viewed along the bridlepath and from higher

ground to the west. This would provide an established landscape screen to soften its appearance.

- 9.55. The County Ecologist has referred to the adjacent Local Wildlife Site (LWS) and has commented that there will be no significant impact on the nature conservation interests of the National Park or the LWS. In the light of the proposed new landscaping of retained amenity grassland, tree planting and mixed species native hedgerow, the Ecologist considers that habitat loss is considered to be acceptable. There was little or no evidence of activity of protected wildlife and subject to appropriate standard measures to avoid harm during construction, there are no concerns about existing wildlife and a condition requiring a Landscape Environmental Management Plan and other standard condition are requested.
- 9.56. The Biodiversity Net Gain (BNG) assessment will result in a gain of 8.99% for habitats and 89.66% for linear features which is welcome and would comply with policy CP10 of CPP1.

Impact on Amenity:

- 9.57. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This policy will be replaced by CPP2 policy DM20 which carries more weight than the adopted policy.
- 9.58. A significant number of objections from local residents have been raised on the grounds of the noise and disturbance on match days and harmful amenity impacts from vehicle congestion, inconsiderate parking and difficulty of access to the bridleway. Noise and disturbance from the additional activity associated with clubhouse events and hire has also been raised. The issue of litter left following matches has been raised although it cannot be verified.
- 9.59. The building itself will, at detailed design stage, be designed to be air-tight and sound insulated to minimise noise and disturbance emanating from within during use of the clubhouse on non-match days or late evenings. The design includes a viewing balcony and it would be appropriate to restrict access to use of this for events in the late evenings.
- 9.60. In respect of match day noise and disturbance, the Transport team have requested a stewarding plan to manage vehicle and spectator movements. This would need to include management of the bridleway. There would be limitations to the area of influence of stewards outside of the club's site.
- 9.61. In terms of objections related to litter, it is difficult in a publicly accessible location with rights of way to verify the source of unauthorised waste. The Planning policy team have requested a Site Waste Management Plan which would cover both construction waste and operational waste so this could be addressed within that to cover post event management.

- 9.62. It has to be recognised that, by reference to the planning history, football has been played on this site at a local level for decades and a significant level of activity would have been associated with it. It is not anticipated that activity levels associated with match days will significantly increase. Controls to minimise any harmful impacts can be applied to the proposal itself but not to apply retrospectively to historic issues. Nonetheless, the capacity of the ground will be increased and the introduction of more formal management of match days can be justified as well as controls over management of the new clubhouse to comply with environmental policies.

Sustainable Transport:

- 9.63. The use of the site would not change significantly and represents more of an upgrade to meet standards currently required for the level that the club play at and one level up. The current pitches are used intensively at the moment but the need to avoid excessive use of the main pitch requires alternative use of other pitches.
- 9.64. Current spectator numbers for the biggest games have been provided. The numbers are considerably lower than the capacity requirements planned for notwithstanding the good performance of the teams. A parking accumulation study showed that the peak parking demand was 37 spaces on a Sunday. It should be noted that the current parking is used by the public as well for walking, dog exercising etc. and these activities would continue to take place in harmony with match days. The Transport team are satisfied therefore that there would be sufficient parking to cater for to meet demand created by the proposals.
- 9.65. Whilst there has been significant support for the proposals both within the Saltdean community and from club members and supporters, there have been objections raised based upon experiences of vehicle movements and congestion on match days.
- 9.66. The club has been an established presence in the community for many years but the opportunity to address these issues can be taken now in the light of the new facilities proposed. A stewarding plan is proposed. Matches are currently stewarded but the opportunity can be taken to formalise this to address the concerns of residents and ensure that congestion within the whole bridleway, anti-social parking and drop offs cited by residents can be managed better.
- 9.67. The Transport team have requested that a lighting scheme is provided as a condition of any consent to address safety issues particularly for pedestrians, cyclists and people with mobility or visual impairments.
- 9.68. 30 cycle spaces are proposed in 2 locations. 20 spaces on the concourse and 10 nearer the training pitches at the south end of the main pitch. The transport team have questioned the latter but the club considered that this would be a good location for users of the training pitch and near a gate accessing the main pitch. Constraints make it difficult to provide any other space for them. This is considered to be acceptable.

- 9.69. Deliveries and servicing would take place outside busy periods and are not considered likely to cause harmful impacts.
- 9.70. The transport team have sought improvements to the bridleway itself in particular to address accessibility issues. The bridleway is outside of the application boundary and is understood to be in private ownership. The applicants therefore have no control over its maintenance or improvement except by private agreement with the owners. Wear and tear is due to its general use by the public, their vehicles, farm vehicles and horse riding, cycles. Planning conditions or obligations cannot be used to seek on going maintenance so a permanent improvement would be needed. It would be unreasonable and unlawful to impose an obligation on the club to enhance the bridleway when it has no control over it. This would need to take place if necessary by negotiation between the owner, the club and potentially with support of the council Rights of Way officer.

Sustainability:

- 9.71. Policy CP8 requires a major non-residential development to achieve BREEAM 'very good' or 'excellent'. The applicants are targeting 'Excellent' as set out in the Sustainability Statement submission. The proposal aims to reduce energy use by high-performance thermal insulation and ensuring air tightness as much as possible. Form and materials have been designed to avoid solar gain. In general therefore, the proposal would meet policy CP8 requirements subject to more details.
- 9.72. At detailed design stage, these issues and the means of energy generation will be considered in more detail following an options appraisal and the applicant has stated that thermal modelling would be undertaken as well. The Sustainability Adviser has requested conditions to cover an Energy Statement including thermal modelling and a BREEAM Assessment.

Flood Risk:

- 9.73. Following initial comments from the Flood Risk Manager, a Flood Risk Assessment (FRA) was submitted as well as water run off calculations. The eastern side of the site and the bridleway is identified as where flood risk exists albeit assessed as being low risk. The clubhouse floor level itself has been raised to increase its resilience, however, the Flood Risk Manager was not yet satisfied that it has been sufficiently demonstrated that the risk of flooding has not increased due to the development. It should be said that the revised siting of the clubhouse has not affected the flood risk potential. No infiltration testing has been carried out and assumptions are not considered to give sufficient comfort on safety.
- 9.74. However, the applicants have now provided further information and calculations as well as assurances about existing infiltration rates into the ground to overcome these concerns.
- 9.75. Submission policy DM43 requires all new development to incorporate appropriate Sustainable Drainage Systems (SuDS) and the Flood Risk Manager is now satisfied that no further measures need be undertaken. No conditions are

requested subject to the submitted documents and details being incorporated into the scheme and implemented.

- 9.76. CPP1 Policy CP11 states that a FRA (where required) should be consistent with the latest guidance in the Strategic Flood Risk Assessment in the city and national guidance. Development should include where appropriate, SuDS in order to avoid increasing the risk of flood and ideally reduce it.

Other Considerations:

Crime and Safety

- 9.77. Sussex Police have not raised any concerns about crime and safety nor sought any related planning conditions.

10. CONCLUSION

- 10.1. The principle of improving and enhancing sports facilities would increase opportunities to increase in participation in sport and recreation and improve health outcomes and is supported by City Plan policy.
- 10.2. The proposed clubhouse has been sensitively designed to take account of its setting and to reflect the rural vernacular. It is an attractive design with use of high-quality materials proposed. The design has taken account of the need to improve accessibility on the site of the football ground and club facilities for visitors and spectators of the club with improved parking for vehicles and cycles.
- 10.3. Whilst the loss of unmanaged beech vegetation required to accommodate the clubhouse, the proposals include significant enhancement of planting of trees and hedgerow using native species which will provide suitable screening and enhancement of the site's setting and will enhance biodiversity. The design and siting of the clubhouse and other infrastructure would not, it is considered, cause any significant harm to the setting of the National Park (assessed as minor or negligible) and takes account of the nearby Local Wildlife Site with no harm identified.
- 10.4. Concerns about the amenity impacts on local residents would be addressed by planning conditions to formalise access, stewarding and parking arrangements and provide improved management measures. There is also a significant weight of support amongst Saltdean residents for the proposals. The proposed development is supported.

11. BIO-DIVERSITY AND CLIMATE CHANGE

- 11.1. The Biodiversity Net Gain (BNG) assessment will result in a gain of 8.99% for habitats and 89.66% for linear features which is welcome and would comply with policy CP10 of CPP1.

- 11.2. The applicants are targeting 'Excellent' as set out in the Sustainability Statement submission. The proposal aims to reduce energy use by high-performance thermal insulation and ensuring air tightness as much as possible. Form and materials have been designed to avoid solar gain. The proposals include cycle parking to encourage sustainable transport measures.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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 NIL. This will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

13. EQUALITIES

- 13.1. The clubhouse proposed will be fully accessible for its users. By relocating it further to the north as revised and relocating the main entrance to the southern end from the north end, it has negated the need for an external ramp. A lift is provided internally for access to the clubhouse.
- 13.2. Disabled parking bays are provided on hard surfaced paving which currently do not exist for the current club facilities and lighting would be provided for safety and wayfinding. The bays were relocated close to the entrance following a request by the transport team. Hard surfacing for the concourse and circulation areas around the clubhouse will improve accessibility for spectators and club members.

ITEM E

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

DATE OF COMMITTEE: 5th October 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		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

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.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Bridget Fishleigh

BH2022/01281 - 22 The Cliff

13th June 2022:

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

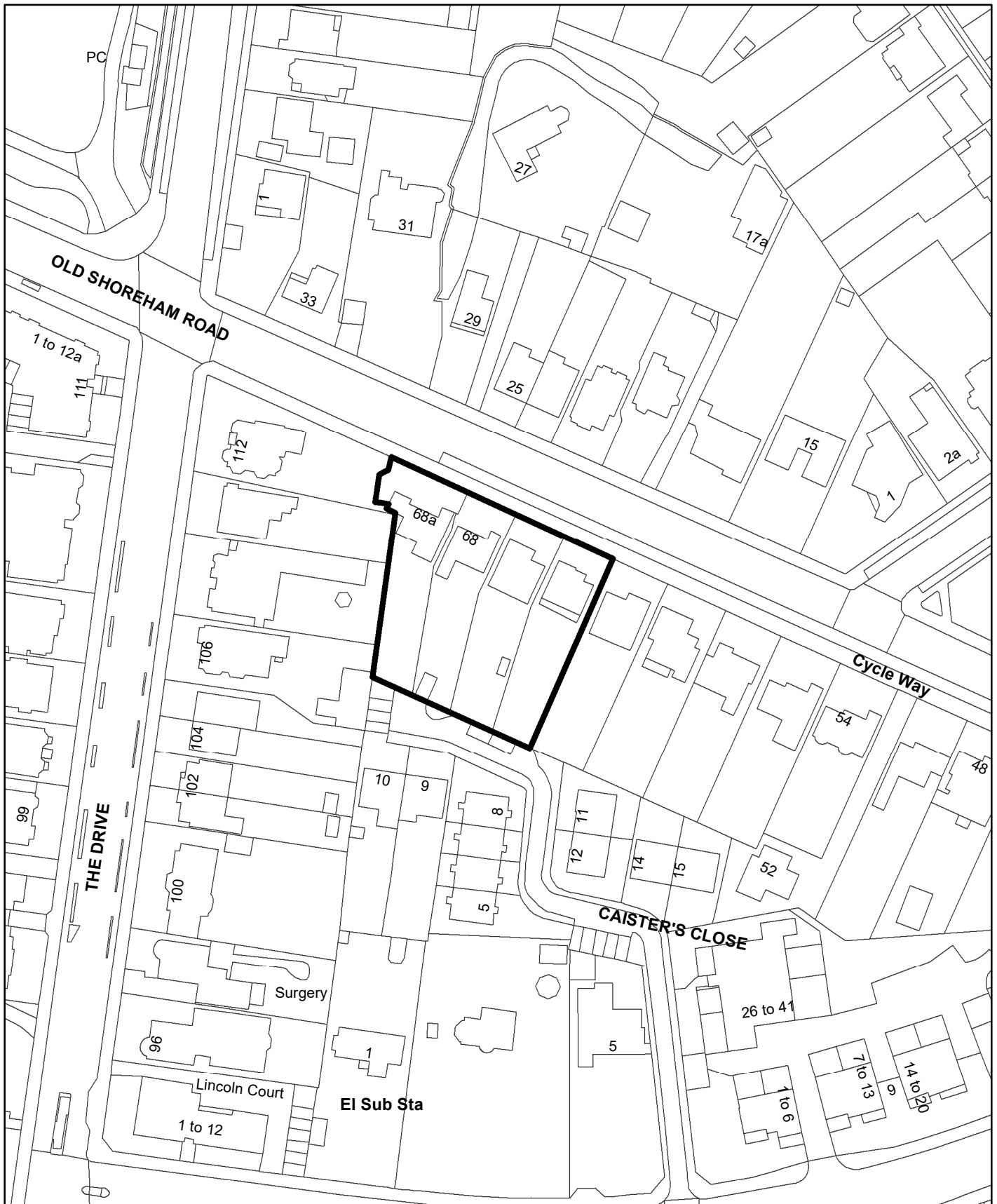
This email is to request that if officers recommend grant or minded to grant that the application comes to planning committee.

ITEM F

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

DATE OF COMMITTEE: 5th October 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>		
<u>Agent:</u>	CMK Planning 11 Jew Street Hove BN1 1UT		
<u>Applicant:</u>	Mr A Bowen 66 Old Shoreham Road Hove BN3 6GF		

This application was deferred from Planning Committee in September as the meeting could not go ahead.

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 Bagaeen, Councillor Ebel, Councillor Allcock, and Councillor O'Quinn** objecting to the proposed development for the following reasons:
- 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 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

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

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. 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.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

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 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.

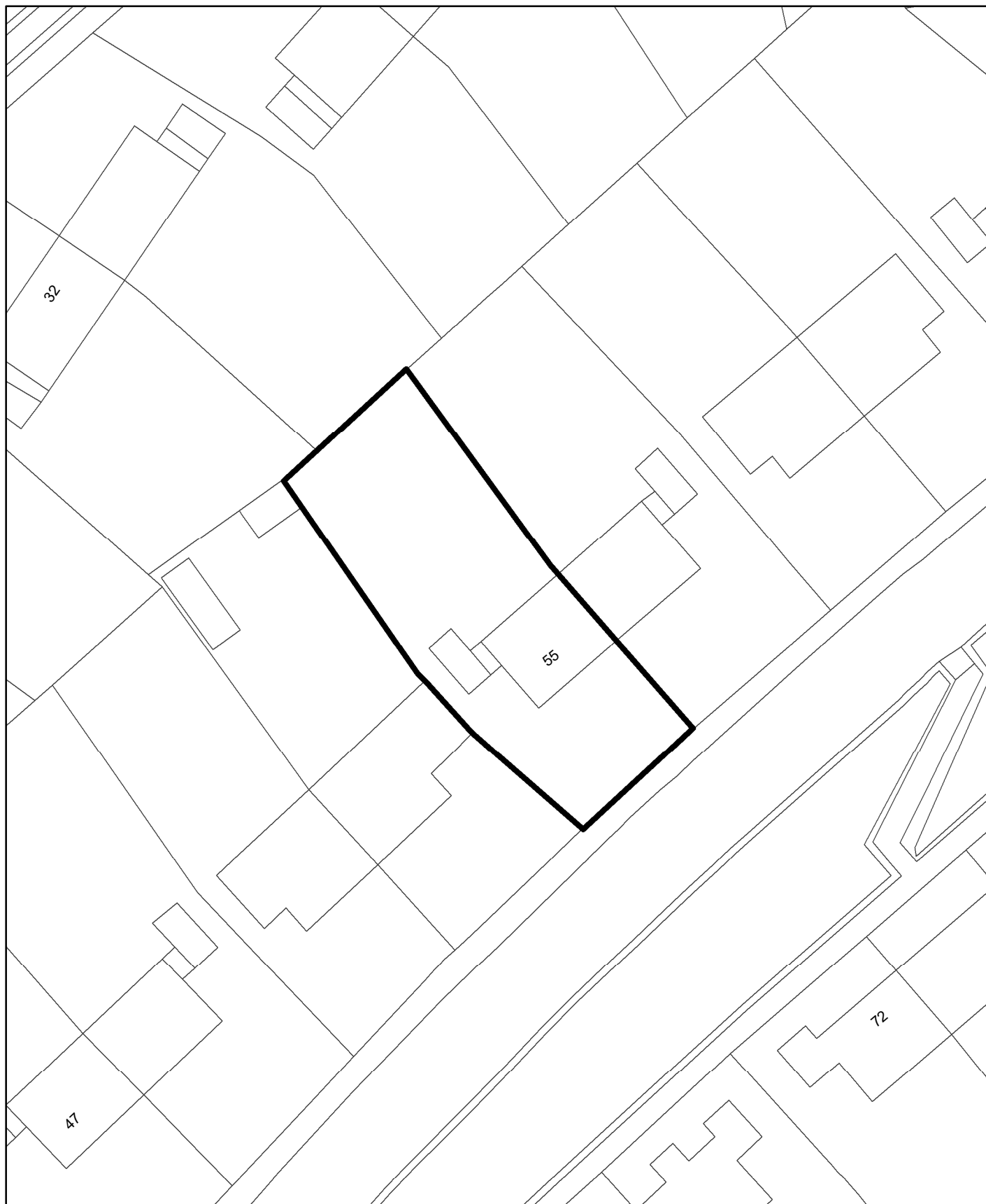
This application will only have a negative impact on this area, as already stated by 3 of the applicants in their objections to the previous applications from no 68. I totally agree with their previous criticisms, and I urge the committee to refuse this application. I also wish to speak at the planning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

ITEM G

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

DATE OF COMMITTEE: 5th October 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.

This application was deferred from Planning Committee in September as the meeting could not go ahead.

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. **Twelve (12)** 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
- No consideration of people's health problems or well-being
- The development has already commenced.

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

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

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

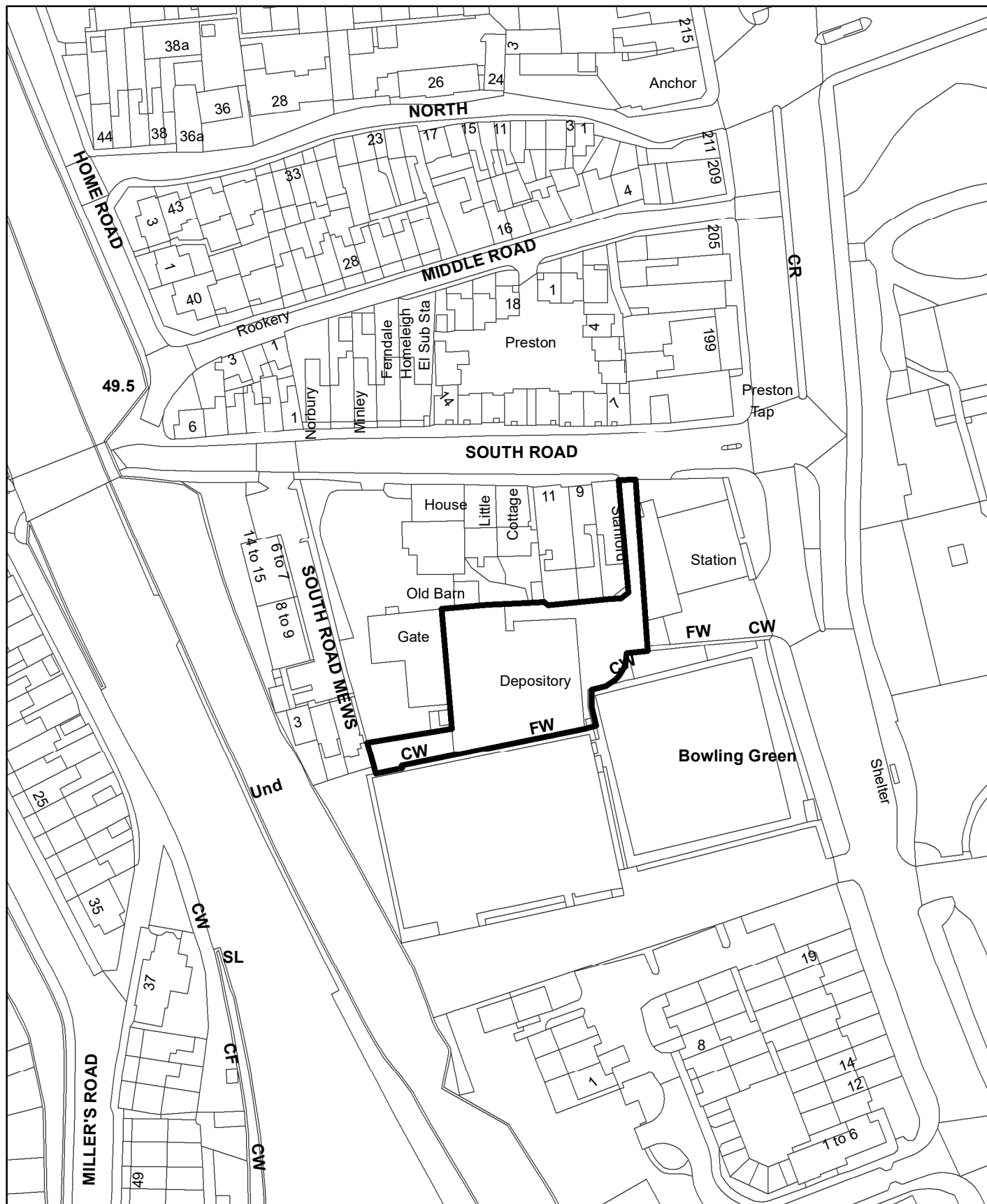
11. EQUALITIES
None identified

ITEM H

**Cinch Self-Storage, South Road
BH2021/03357
Full Planning**

DATE OF COMMITTEE: 5th October 2022

BH2021 03357 - Cinch Self-Storage, South Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/03357	<u>Ward:</u>	Withdean
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cinch Self-Storage South Road Brighton BN1 6SB		
<u>Proposal:</u>	Extensions to existing building at ground, first and second floor levels and creation of set-back part-third floor, partial change of use of first floor from Class E(g)(i) (office) to Class B8 (self-storage), external alterations, installation of photovoltaic panels on roof, landscaping and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	04.10.2021
<u>Con Area:</u>	Adjacent to Preston Village	<u>Expiry Date:</u>	03.01.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Jon Dingle Jon Dingle Ltd 29 The Green Winchmore Hill London N21 1HS		
<u>Applicant:</u>	Cinch Self-Storage Brighton C/o Jon Dingle Ltd		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			17 September 2021
Block Plan	00	C	13 April 2021
Block Plan	10	G	15 June 2022
Proposed Drawing	11	L	15 June 2022
Proposed Drawing	12	H	15 June 2022
Proposed Drawing	13	J	13 April 2022
Proposed Drawing	14	L	16 June 2022
Proposed Drawing	15	G	13 April 2022
Proposed Drawing	16	J	14 April 2022
Proposed Drawing	17	H	13 April 2022
Proposed Drawing	18	K	19 April 2022
Proposed Drawing	19	D	20 June 2022
Report/Statement	Archaeological Desk Based Assessment	2	4 October 2021
Arboricultural Report	Arboricultural Survey	01	17 September 2021

Report/Statement	Energy Strategy	R1	17 September 2021
Report/Statement	Preliminary Ecological Appraisal	1	4 October 2021
Report/Statement	Transport Statement		4 October 2021

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

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

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

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

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

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

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

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

5.

- i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM31 of the Brighton & Hove Proposed Submission City Plan Part Two.

6. Other than demolition, no works relating to the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) photos and product specifications of all brick, panelling and render (including details of the colour);
- b) 1:20 scale elevations, sections (showing louvres and capping) and product specifications of the cladding;
- c) 1:20 scale plan and section drawings of the diverse seeded plug-planted green roof, including depth of substrate and seeding mix; and
- d) product specifications of the proposed windows, and doors.

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

Reason: To ensure a satisfactory appearance to the development and to protect heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.

7. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure a satisfactory appearance to the development and to protect heritage assets in compliance with Policies HE3 and HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.

8. All new and replacement rainwater goods, soil and other waste pipes shall be in metal and shall be painted to match the colour of the cladding, and retained as such thereafter.
Reason: To safeguard the appearance of the building and the setting of heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.
9. 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 setting of heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.
10. Prior to the first 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 and materials and any sustainable drainage system used; and
 - b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures, and confirmation of location, species and sizes.
- 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 and QD16 of the Brighton & Hove Local Plan, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 of the Brighton & Hove Proposed Submission City Plan Part Two and SPD06, SPD11 and SPD16.
11. A bee brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policies CP10 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD11.
12. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the 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, CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD11.

13. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels.

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 DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.

14. Access to the flat roofs over the extensions 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 DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

15. No customers shall remain on the premises outside the hours of 08:00 to 20:00 Monday to Friday, 09:00 to 19:00 on Saturdays and 09:00 to 19:00 on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.

16. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

17. 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, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policies TR14 of the Brighton & Hove Local Plan and DM33 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD14.

19. 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 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 Policies CP9 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD14.

20. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

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

21. The development hereby permitted shall not be occupied until the building has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

22. The development hereby permitted shall not be occupied until details of the photovoltaic array referred in the Energy Statement Rev R1 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 and DM18 and DM44 of the Brighton & Hove Proposed Submission City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Where possible, bird boxes should be fixed facing between north and east at least 2 to 4 metres up a tree or a wall.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
6. The applicant is advised that the details of external lighting required by Condition 13 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
7. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking should be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well-lit, well-signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not usually support vertical hanging racks as they are difficult for many people to use and therefore not

considered to be policy and Equality Act 2010 compliant. The Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
9. 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.

2. SITE LOCATION

- 2.1. The application relates to a two storey building, but has three floors plus a small basement, which is mainly in use as a self-storage facility with an office at first floor level. It is on the west side of Preston Road (A23) opposite Preston Park, but located behind the Shell service station and accessed from South Road to the north. It is located to the north of the Preston Bowls Club, east of the Stanford Gate office building and there are residential properties further to the west and directly to the north.
- 2.2. The building itself is constructed of a mix of brick, cladding and render with shutters, signage and a lift overrun. There is a car park with spaces for seven vehicles to the front (east) of the site. Access is possible to the rear of the site on South Road and via a passageway to the south side emerging alongside the area of planting to the west of the building.
- 2.3. The site is adjacent to the Preston Village Conservation Area and is in the vicinity of six Grade II listed buildings (the Old Cottage, Little Barn and Mulberry Cottage listed as one group and 7, 9 and 11 South Road as another) and Old Barn, which is curtilage listed. It is also within an Archaeological Notification Area and Source Protection Zone 1.

3. RELEVANT HISTORY

- 3.1. Pre-application advice was sought (**PRE2021/00114**) for alterations and extensions to the existing mixed use (Class E(g)(i) and Class B8) building to create a self-storage (Use Class B8) building over ground, first, second and third floors. A response was issued on 14 July 2021 and the scheme has evolved since the scheme presented at pre-app stage.
- 3.2. **BH2001/00511/FP**: Construction of a terrace of five 4 bedroomed, three storey houses, and one 2 bedroomed three storey live-work unit and a pair of 4

bedroomed, two storey semi detached houses. Refused 28 September 2001 for the following reasons:

1. The applicant has failed to demonstrate that the site is redundant for employment uses and therefore the proposal is contrary to policies E5 of the East Sussex and Brighton & Hove Structure Plan, E4 of the Brighton Borough Local Plan and EM3 of the Brighton & Hove Local Plan Second Deposit Draft.
2. The proposal constitutes a cramped form of development with excessive density and inadequate amenity space, contrary to policies ENV3 and H19 of the Brighton Borough Local Plan and QD3, HO4 and HO (provision of private amenity space in residential development) of the Brighton & Hove Local Plan Second Deposit Draft.
3. The estate road and parking layout would result in pedestrian/vehicular conflict and difficulties for drivers of vehicles seeking access to existing parking at the rear of properties in South Road, contrary to policies TR9 of the Brighton Borough Local Plan and TR6 of the Brighton & Hove Local Plan Second Deposit Draft.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for extensions to the existing building at ground, first and second floor levels and the creation of set-back part-third floor, the partial change of use of the first floor from Class E(g)(i) (office) to Class B8 (self-storage), external alterations, the installation of photovoltaic panels on the roof, landscaping and associated works.
- 4.2. Changes have been made during the course of the application to reduce the increase in floorspace (from 965.5m² net to 857.6m²), increase the setback of the additional storey from the east and north façades of the building, increase the setback of the rear extension from the western boundary of 1 South Road Mews (from 5.9m to 12.4m), change the green sedum roof to a diverse seeded plug-planted green roof and to make one of the car parking spaces suitable for disabled users.

5. REPRESENTATIONS

- 5.1. **Thirty (30) objections, fifteen (15)** from individuals directly affected, were received raising the following concerns:
 - The application is non-compliant with national and the Council's planning policies, plus legislation.
 - Overdevelopment and of an overbearing bulk / oppressively imposing
 - It would not respect the prevalent building lines and forms.
 - Inappropriate and totally out of character with the area with an adverse effect on heritage assets and their setting contrary to Policies HE3 & HE6.
 - Negative effect on the skyline and the low-lying scale, character and form of the listed buildings cluster from this domineering eyesore of an extension.

- It would be incongruous in views from Preston Park and Preston Manor gardens and raising the building further would extend the visibility.
- The height of the building should be lowered at least 3-4 meters.
- Overshadowing
- Loss of daylight and sunlight, which would cause steady deterioration to the historic timber frame of the listed buildings. A daylight and sunlight study is needed.
- Loss of visual privacy / overlooking, particularly from the new and permanent access to the roof.
- Outlook would be adversely affected
- Disruption to the peaceful enjoyment of properties in breach of Article 1 of the First Protocol - Protection of Property - Human Rights Act.
- This development would negatively impact on health and wellbeing.
- The addition of a part third floor would spoil and partially block views from the upper floors of properties to the south side of South Road, thereby adversely affecting their residential value.
- Permanent overnight, excessive, intrusive lighting has already been introduced that harms neighbours, wildlife and the conservation area.
- Loss of trees and garden
- The rear extension would destroy a secluded wooded area, leading to habitat loss for wildlife, potentially including nesting birds.
- No bird or animal habitats should be destroyed.
- The solar roofing is 'greenwashing'.
- Serious effect on disturbance, including additional noise pollution and traffic congestion, which would exacerbate the already quite dangerous site access in close proximity to back gardens.
- Hours of opening are relevant, despite not being mentioned in the application form, because they will determine when people and their vehicles would use the facility and when residents would be affected.
- No engagement or consultation from applicant with the neighbours.
- Inaccurate plans / documents

5.2. **Councillors Lloyd, David and Nield** have objected to the application. Copies of the correspondence are attached to the report.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** No objections, subject to a condition for a tree protection plan
- 6.2. **Air Quality:** Recommend approval
- 6.3. **Economic Development / City Regeneration:** No adverse comments
- 6.4. **Environmental Health:** No objections, subject to conditions on hours of use / operation and lighting.
- 6.5. **Heritage:** Approve with conditions

- 6.6. **Sustainability:** Recommend for approval, subject to conditions
- 6.7. **Sustainable Drainage:** Recommend for approval, subject to conditions
- 6.8. **Transport:** Recommend for approval, subject to a cycle parking condition
- External:
- 6.9. **Brighton and Hove Archaeological Society:** Recommendation to contact the County Archaeologist for their recommendations.
- 6.10. **Conservation Advisory Group (CAG):** Refusal and referral to committee
- The increase in height of the proposed building would increase the harm, caused by the existing building, to the setting of listed dwellings and to views from within the conservation area on the northern boundary of the site. It will be appreciably higher than the adjacent Stanford Gate building and will therefore compromise the setting, when viewed from South Road, of the Grade II listed buildings: The Old Cottage, Little Barn and Mulberry Cottage.
 - The setting of the Grade II listed former Estate Office at 7, 9 and 11 South Road would be compromised when viewed from the north east and from other parts of Preston Road.
 - The building labelled “Old Barn” in the submitted drawings, which adjoins the north boundary of the site, features an interesting cruck construction roof and merits consideration as a heritage asset.
 - This property is within an archaeological notification area. The archaeological desk-based assessment, prepared by RPS for the applicant, proposes that an archaeological watching brief should be carried out in the SW corner of the site on the construction of the new extension. We recommend that such a requirement is made a specific condition of any planning approval.
 - The proposed building would be higher than the existing bowling club building and this would cause harm to views of the conservation area from Preston Road.
- 6.11. **County Archaeology:** Recommend for approval in principle subject to the imposition of a condition
- 6.12. **Designing Out Crime Officer (Sussex Police):** No major concerns, but opening hours of attendance should be conditioned
- 6.13. **County Ecology:** Acceptable, subject to mitigation, compensation and enhancement measures being implemented
- 6.14. **Neos Networks:** Ensure the proposed works do not affect our apparatus, but if it would, contact us for a Budget Estimate.
- 6.15. **Scotia Gas Network (SGN):** There is a medium pressure gas main near the site and so there should be no mechanical excavations taking place above or

within 0.5m of it. Where required, you should confirm the position using hand dug trial holes.

6.16. Southern Water:

- A formal application for a connection to the public foul and surface water sewer is required to be made by the applicant or developer.
- The adequacy of the proposals to discharge surface water to the local watercourse should be commented upon by the Council's technical staff and the relevant authority for land drainage.
- In situations where surface water is being considered for discharge to the Southern Water network, the following hierarchy is required to be followed: Reuse (not strictly part of this hierarchy, but encouraged), Infiltration, Watercourse, Storm sewer, Combined Sewer.
- The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection from the risk of flooding.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.
- The proposed development lies within a Source Protection Zone and so consultation with the Environment Agency is needed to ensure the protection of the public water supply source is maintained. We should be informed of the outcome of this consultation.

6.17. UK Power Networks: Safety around our equipment is our number one priority so all workplace risk assessments shall be completed before any works begin. Safe digging practices must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

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.

Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.2. The development plan is:

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

- Shoreham Joint Area Action Plan (October 2019)
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

DA4 New England Quarter and London Road Area
SS1 Presumption in Favour of Sustainable Development
CP2 Sustainable economic development
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

The Inspector published her Final Report into the Examination of the City Plan Part Two on 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) 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.

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM29 The Setting of Heritage Assets
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments

DM40 Protection of the Environment and Health – Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, its impact on heritage and archaeological assets, neighbouring amenity and on highways as well as biodiversity, ecology, trees, landscaping and sustainability.

Principle of development:

- 9.2. The application site is within Development Area DA4 - New England Quarter and London Road Area. The part of this area to the west of Preston Road is a secondary office location and provides the potential for high quality mixed use (employment / residential) future redevelopment. One of the other objectives of DA4 is to ensure that storage premises remain affordable, appropriate and available for use.
- 9.3. In spite of that, the loss of a single office of approximately 100m² that supports the existing storage use is considered acceptable. It is acknowledged that an associated office and reception area is still retained on the ground floor by this proposal.
- 9.4. It is noted that the Council's Employment Land Study Review 2012 recommended that the City Plan be guided by forecast growth requirements of 43,430m² of industrial floorspace (B1c, B2 and B8) over the plan period. The scheme for an additional 1073.5m² of B8 floorspace would therefore support the Council's objectives.
- 9.5. Since this is not a new warehousing development, emerging Policy EM7 'Warehouses (B8)' does not apply. However, it does explain that there are limited opportunities for large scale industrial development in Brighton & Hove and therefore it is important to maximise employment generation on those sites which are available for business and industrial uses. As such, the proposal to extend this B8 building is supported in principle.
- 9.6. The principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the design, its impact on heritage and archaeological assets, neighbouring amenity and on highways as well as ecology, biodiversity, trees, landscaping and sustainability. These are discussed below.

Design and Heritage:

- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given “considerable importance and weight”.
- 9.9. The existing 20th Century building is of its time with no architectural merit and is not considered to make a positive contribution to the character and appearance of the adjacent conservation area. Therefore, the proposal for external alterations to change its appearance is considered to accord with emerging Policy DM26 of City Plan Part 2 (which can be given significant weight) given that buildings, structures and features that do not make a positive contribution to conservation areas should not be retained. However, it is still important that the proposal preserves the area's character and produces substantial benefits in terms of its appearance as well as form, scale and massing.
- 9.10. Whilst it is acknowledged that the proposed development would have a larger mass and scale than the existing, it is considered that the incorporation of a transitional step to the increase in height would be an appropriate response to the existing built form to the east. Any harm caused from the increase in height is considered to be outweighed by the resulting visual enhancement to the building in terms of the higher quality design and appearance. This would improve / enhance the character of the area and, as such, the setting of the designated heritage assets in the wider context.
- 9.11. The application site is set well back from the street, partially screened from Preston Road by other buildings to its east and south east, with a backdrop of established and mature trees beyond which the buildings on Millers Road can be seen during in the winter months in an elevated position due to the rising topography of the land. The contemporary appearance proposed with a flat roof form ensures that the increase in height does not result in an overly dominant form that would therefore not have a greater visual prominence than the Grade II* listed Preston Manor and spire of the Grade II* listed Church of St Peter, the latter being the only discernible element of the church visible above the existing tree canopy.
- 9.12. The proposal to increase the height and massing of the existing building is considered acceptable, resulting in the massing of the building being successfully consolidated into a more cohesive built form and a less disjointed and cluttered townscape in views northwards and westwards from Preston Road. It would also provide a more sensitive backdrop to the adjoining Preston Village Conservation Area and the Grade II listed buildings to the north. Noting that the setting of 7, 9 and 11 South Road has been marred by the Shell service station located immediately to the east, it is not considered that the proposed development would have an adverse impact on their setting or that of the Grade II listed Old Cottage, Little Barn and Mulberry Cottage. An assessment

of how the proposed development would affect the Old Barn, a curtilage listed structure, has been latterly submitted. Heritage officers have advised that there would be no direct physical impact and it is accepted that the changes to the materials to those parts closest with the proposed extensions at second and third floor levels set back a greater distance would ensure no adverse impact on its setting or those of the other nearby listed buildings

- 9.13. The additional third floor would be set back 2m from the eastern building line, thereby appearing as a subsidiary roof structure and more sensitively responding to the context of low scale, modest and unoppressive buildings clearly visible from Preston Road and the northern end of Preston Park. The proposed raised parapet would further reduce the visual impact of the third floor since it would hide the massing. The proposed elevational composition is well-considered and clearly expresses the hierarchy of the building. Moreover, both the horizontal and vertical expression of floor plates through the use of the proposed lightweight cladding system successfully references the architectural features of the prevailing front elevations of the adjacent residential scaled buildings and the special character of the area, enhancing the existing built form on the application site.
- 9.14. It is considered that the proposal does not cause any substantial harm to the significance of designated heritage assets and therefore NPPF paragraphs 200, 201 and 202, which cover harm to or loss of a designated heritage asset, are not invoked. It is considered that the proposed development preserves the significance of the conservation area.
- 9.15. In terms of materiality, silver or grey metal panelled cladding is mostly proposed in a vertical arrangement with recessed vertical and horizontal joints and boxed corners. Visual interest is proposed to be introduced through the introduction of a regular pattern of panels in a darker colour. A continuous thin strip of passive ventilation louvre would also be incorporated between each storey, finished with slim matching capping. The southern and western (rear) walls would be clad in brickwork to match the existing with smooth panelling above on the former similar to the existing. The south eastern corner would be broken by the existing brick pier, extended full height. Windows and doors would be PPC aluminium framed in a colour to match the cladding. The flat roofs would be laid with a diverse seeded plug-planted green roof. The materials are considered acceptable and generate depth and texture in order to more sensitively respond to the prevailing context. Further details are recommended to be secured by condition requiring details prior to commencement of development.
- 9.16. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14, HE3 and HE6, emerging City Plan Part Two Policies DM18, DM21, DM26 and DM29, and paragraphs 130, 134 and 197 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area.

Impact on Neighbouring Amenity:

- 9.17. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.18. The main impact of the proposals would be on residential properties, notably The Old Barn, Little Barn, Mulberry Cottage and 11 South Road to the north and 1 South Road Mews to the west. Although the proposed extension and alterations would be visible from Stanford House (no. 9) and 9A South Road as well as the South Road Mews dwellings, it is considered that the proposal would not have any material impact on their amenity. The other surrounding buildings are in office use (Class Egi) and therefore less sensitive to changes in, for example, sunlight and daylight given their more limited usage.
- 9.19. It is noted that the applicant has submitted a new Daylight and Sunlight Study during the course of the application, which also addresses overshadowing. It concludes that all windows to all adjacent domestic properties (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests as well as the BRE overshadowing to gardens and open spaces test. This includes Old Barn, Little Barn and Mulberry Cottage on South Road and 1 South Road Mews. It should be noted that internal access was gained to each of these properties as well as Preston Park House, Stanford House and Stanford Gate, which are commercial properties whilst preparing the Daylight and Sunlight study.
- 9.20. The tests undertaken were Vertical Sky Component (VSC) and No Sky Line (NSL) for daylight and Annual Probable Sunlight Hours (APSH). For overshadowing the test is to assess whether the gardens of the neighbouring properties receive at least two hours of sunlight on 21 March with the proposed development in place, or no less than 0.8 times its former value for the area which can receive two hours of sunlight on 21 March.
- 9.21. VSC is the amount of skylight that reaches the windows measured as a ratio of direct sky light that reaches a vertical plane to the amount of sky light that reaches the horizontal plane (i.e. the ground), although it is expressed as a percentage. For reference a VSC of above 27% should give reasonable daylight results and the maximum VSC that could be achieved for a completely unobstructed window is almost 40%. If the VSC is both less than 27% and less than 0.8 times its former value with the development in place, an adverse reduction in the amount of daylight would occur. In this case, none of the affected windows would be reduced to less than 0.83 of the former value of the affected domestic window. As such, the impact in terms of daylight being received is considered acceptable.
- 9.22. NSL demonstrates the distribution of daylight within a room and is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. In this case, none of the affected windows

would be reduced to less than 0.82 of the former value of the affected domestic window. As such, the impact in terms of daylight distribution is considered acceptable.

- 9.23. The BRE guidance states that a dwelling shall appear reasonably sunlit if the centre of a main living room window can receive 25% of APSH, including at least 5% of APSH in winter months between 21 September and 21 March. The impact may also be acceptable if the window receives more than 80% of its former sunlight hours during either period and it has a reduction in sunlight received over the whole year greater than 4% of APSH. In this case, none of the affected domestic windows would be reduced to less than 0.87 (87%) of their former value in terms of annual APSH. For Winter APSH, the only domestic windows that would have a figure less than 5% already have a figure of less than 5% and, in the case of Mulberry Cottage, serve an outbuilding in the rear garden.
- 9.24. It is noted that some windows fail the BRE tests, but these are all to commercial buildings, which are less sensitive to changes in daylight and sunlight than habitable rooms in domestic properties and tend to be more reliant on artificial lighting. Therefore, this is considered acceptable.
- 9.25. In terms of overshadowing, there would be no change to the garden areas that would receive at least two hours of sunlight on 21st March. The gardens to The Old Barn, Little Barn, Mulberry Cottage, 9 to 11 South Road and 1 South Road Mews have all been assessed.
- 9.26. In terms of outlook, The Old Barn has single aspect to the east at ground floor level, but triple aspect at first floor level via rooflights and a side window, which face east, north and south so away from the proposed development. The mass of the building as proposed, although recognised to be much higher than The Old Barn, is considered to not adversely affect outlook from the east-facing living room and kitchen windows or be significantly overbearing. It is also worth highlighting that the new third floor would be set back between 5m and 6.5m from the northern building line. Officers acknowledge that views from the garden would be constrained by the proposed development, but views from a private residential garden are not a relevant planning consideration.
- 9.27. There would be a similar impact on Little Barn and Mulberry Cottage in that the proposed development would be visible from windows facing it and from their gardens. It would, however, be slightly further away and both properties have dual aspect at ground floor level, thereby providing sufficient outlook. The new third floor would, however, be closer to the south-facing windows of 11 South Road. Unlike the aforementioned properties, the application building does not extend across the whole rear façade of no. 11 and therefore the setting around the rear of the building would not feel unduly oppressive or enclosed to current occupiers.
- 9.28. With the exception of the loss of the Class E(g)(i) office, the building as proposed would remain in the same use; B8 storage. It is considered that the nature of this use does not give rise to overlooking in the same way as a more

intensive, multi-occupied space such as residential. Notwithstanding that, the key elevations in terms of where overlooking of residential properties could take place are the northern and western walls. No additional windows are proposed in either, although it is noted that access is provided to a roof terrace to the former. It is recommended that a condition be imposed to prevent it being used other than in the case of maintenance and to prevent the flat roof to the western extension being used as any kind of amenity space. As such, the impact on privacy of neighbouring dwellings is considered to be acceptable.

- 9.29. Officers acknowledge that the existing use has the potential to cause adverse impacts in terms of noise, disturbance and vehicles coming and goings, and that the proposal would intensify these impacts. It is noted that the current use is unrestricted in terms of opening / operational hours. Given the proximity of residential properties to the vehicular access to the building, it is considered reasonable to recommend that the opening / operational hours be conditioned as 08:00-20:00 Monday to Friday, 09:00-19:00 on Saturdays and 10:00-18:00 on Sundays, Bank and Public Holidays. It is worth highlighting that the highway data indicates that the proposal would not result in a significant increase in activity from an existing, low baseline. As such, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9, QD14 and QD27 and emerging CPP2 Policies DM20 and DM21 (which both carry more weight than QD14 and QD27).

Impact on Highways:

- 9.30. The site is considered to be in a highly sustainable location given it is three minutes by bike and seven minutes by foot from Preston Park train station as well as a minute from 33 bus routes.
- 9.31. The site is located within the Key Public Transport Corridor for the purpose of assessment against SPD14, which details the Council's parking standards. In terms of car parking standards, which are maximum, a B8 use should only have 1 space per 200m². Based on the building as extended having a GIA of approximately 2500m², 12 car parking spaces can be provided. There is an existing car park space with space for seven cars and no changes are proposed, which is considered acceptable. Any overspill parking would be dealt with via the Controlled Parking Zone (CPZ) management system (the surrounding streets are in CPZ K). However, SPD14 does require at least 5% of the maximum total car parking standard to be provided as motorcycle spaces and therefore the provision of one space is supported.
- 9.32. In terms of disabled user parking, one of the existing spaces in front of the reception would be converted into a space suitable for disabled vehicle users, which is welcomed. It is worth noting that there are somewhat limited opportunities for free on-street disabled parking in the vicinity of the site, such as on Lauriston Road. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to three hours.
- 9.33. SPD14 also provides standards for cycle parking, but these are as minimums. The requirement is one space plus one space per 350m², thereby generating

a requirement for six cycle spaces. Space for two bicycles has been proposed within the building behind the shutters at ground floor level. Officers accept the justification that self-storage facilities generate little demand for cycle parking for customers given that they are generally transporting bulky goods unsuitable for carrying on a bicycle. Further details are recommended to be secured by condition to ensure that they are easily accessible / convenient and well-spaced. The provision of showers and changing facilities for staff behind the reception is welcomed.

- 9.34. No alterations are proposed to the deliveries and servicing situation or the existing vehicle access, which is considered acceptable. However, the introduction of priority working signs and road markings giving priority to vehicles entering the site is welcomed to improve highways safety.
- 9.35. As such, the impact on road safety and highway capacity would be acceptable.

Biodiversity, Ecology, Trees and Landscaping:

- 9.36. The submitted biodiversity checklist demonstrates that there are no indicators of (nesting) birds, owls, bats, reptiles, slow worms, stag beetles, badgers or Great Crested Newt, or that coastal vegetated shingle and open rough grassland would be affected. Given the low base value, there is the potential for high biodiversity net gain values to deliver the minimum uplift of 10% that will be required by Part 6 of the Environment Act. Although a minimum 10% BNG will not be mandatory until November 2023, given that BHCC has declared a Biodiversity Emergency, it is reasonable to expect developments in the city to deliver the minimum level that the UK Government has set to reverse environmental decline. Measures to improve the ecology outcomes on the site in accordance with Policy CP10 and SPD11 are proposed to include the diverse seeded plug-planted green roof and installing bee bricks plus bird boxes.
- 9.37. The submitted Preliminary Ecological Appraisal (PEA) also supports the biodiversity checklist, indicating that the building and trees on site have “negligible” suitability to support roosting bats, badgers, dormice, reptiles, invertebrates, hedgehogs or any other mammal. However, an informative would be added advising the application that habitat clearance works should be undertaken outside the main nesting bird season, but that should this not be possible, all trees and buildings must be inspected by an ecologist to determine the presence / absence of any nesting birds immediately prior to clearance.
- 9.38. The five trees, all mature self-seeded sycamore *Acer pseudoplatanus* with the exception of a group of young / semi-mature hazel *Corylus avellana*, to the rear (east) of the building provide some limited nesting and foraging opportunities. Given their condition, no objections are raised to their loss, subject to the same number of trees being replanted. Two crab apple trees, two cherry plum and a wild pear tree are proposed between the proposed extension and the western site boundary. They would all be suitable for pollinators and would be suitable for planting in Brighton and Hove. Further details of their size and any tree pits are recommended to be secured through

a condition. A restriction on works within bird nesting season can be added as an informative.

- 9.39. The strategy for DA4 is to maintain and enhance a green gateway to the city to the west of Preston Road. As such, the additional storey provides an opportunity for greenery, such as climbing plants, in front of the louvred cladding. Five species are proposed and are considered to be acceptable, subject to further details as part of the aforementioned condition. This greenery can also contribute to biodiversity and air quality improvements, which is another objective of DA4 given that London Road and South Road are part of an Air Quality Management Area (AQMA).
- 9.40. In terms of landscaping of the ground floor, only hard surfacing is proposed. Whilst it would be preferable if soft planting could be introduced, this is a hard frontage, which is frequently traversed by pedestrians when vehicles are travelling down this narrow road, often made harder to navigate for pedestrians by parked cars. It is recommended that further details of these items are conditioned and the hard surfacing should be porous and / or permeable.

Sustainability:

- 9.41. This application is considered to be major development and, as such, there is a requirement for it to meet BREEAM Excellent as per City Plan Part One Policy CP8. However, this does not make a distinction between a change of use application and new build development. Given that the proposal involves the conversion of the existing building, as well as its extension, it is considered that meeting the Very Good rating is acceptable. This is recommended to be secured by condition.
- 9.42. Given the scale of the proposals, particularly in respect of the construction works, it is recommended that a Site Waste Management Plan (SWMP) is secured by a pre-commencement condition. This would maximise the sustainable management of waste and minimise the need for landfill capacity as well as secure the re-use of materials where possible.

Archaeology:

- 9.43. The proposed development site is wholly within an Archaeological Notification Area, but it is believed to have a low to moderate archaeological potential for remains from the prehistoric, Anglo-Saxon, Medieval, Post Medieval and Modern periods. Very recent archaeological investigations at 137-139 Preston Road, 750m south east of the application site, have exposed Late Iron Age activity on a similar dry valley topographic location at the edge of the Head Deposits on a similarly developed brownfield site.
- 9.44. Given the potential for impacts to heritage assets with archaeological interest, it is considered necessary to impose a pre-commencement condition requiring a programme of archaeological works. This would enable any archaeological deposits and features that would be disturbed by the proposed works to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This would therefore comply with Local Plan Policy HE12 and emerging CPP2 Policy DM31.

Other matters raised by consultation:

- 9.45. Matters of views being blocked and residential property values are not relevant planning considerations and have not been taken into account in the determination of this application.

10. CONCLUSIONS

- 10.1. The proposal would provide a notable amount of storage space to support the Council's objectives and to maximise employment generation through well-designed extensions and alterations, which would not have an adverse impact on heritage assets, neighbouring amenity or on highways. It would also result in sustainability and biodiversity net gains, and generate some economic activity during construction, which cumulatively are relatively significant benefits of the proposal. The proposed development is therefore recommended for approval.

11. EQUALITIES

- 11.1. As per the existing situation, a lift would be retained to all floors, and extended to the new third floor, ensuring access for all. Level access continues to be provided at ground floor level and wheelchair users could access the lift through the roller shuttered entrance. At least two of the parking spaces would be suitable for disabled drivers.

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The site is considered to be in a highly sustainable location with good links to public transport, and cycle parking is proposed, reducing reliance on cars. The works would modernise and refurbish the existing building. A diverse seeded plug-planted green roof as well as bee bricks plus bird boxes are recommended to be secured by condition.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllrs. Sarah Nield, Steve Davis and Jamie Lloyd
BH2021/03357 – Cinch Self-Storage, South Road

16th June 2022 (Letter):

Additional letter of objection, after seeing the results of the light survey and amended plans. To be read in conjunction with our objection submitted on May 17th.

Comment reasons:

- Adverse impact on a cluster of listed buildings of historical importance to the area
- Overdevelopment
- Increase in traffic, restricted access and parking
- Loss of daylight and sunlight, particularly in winter
- Adverse impact on residents' enjoyment of their homes

We wish to add to our objections to this proposed development now that the daylight and sunlight survey results have come in, online plans have received last-minute amendments, and questions have arisen over the facility's intended increase in capacity through the possible addition of a mezzanine floor not included in the plans.

Having seen the daylight and sunlight report we remain concerned that the proposed increase in height and scale of this development would have a significant detrimental effect on its neighbours, in particular the cluster of small, listed, historic cottages it abuts.

The BRE Guidance is the only tool of light measurement available. These are one-size-fits-all tests, here being applied to a very unusual cluster of 3-400 year old buildings whose rooms present a range of issues when it comes to ensuring they receive adequate daylight: low ceilings, single aspect, small windows in large rooms, rooms with low-set windows: even a small percentage of light lost will affect these rooms more than a similar percentage lost in a more typical modern home.

In the report, the percentage loss to each window of Annual PSH is small, but if the Winter PSH losses are examined they tell a different story. The loss to some of these windows in the Winter months would be bleak. From Sept 21st to March 21st the affected window of 9 South Road would lose 61% of its Winter sunlight. 11 South Road would lose 29%. Mulberry Cottage has a window which would lose 25% of Winter sunlight. Old Barn, whose small study/bedroom window already struggles with limited winter sun owing to the existing CINCH building would now lose 25% of that and be left with just over 5% of APSH during the winter months. These proposals may have passed the APSH test, but their impact on residents would nevertheless be considerable.

Likewise the garden test is limited by only examining sunlight lost on March 21st, when the early Spring sun is quite high in the sky. The overshadowing of the gardens in the Winter months would be much greater than the report reveals.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

We also regret that having decided the results of the 3 tests applied, (VSC, APSH and overshadowing) were satisfactory, the NSC tests, which the BRE Report says should also be done, and which assesses daylight within a room, were not undertaken. We feel that the unique nature of the situation – low historic buildings within such a small distance of (and in one case abutting) a large, tall industrial building – ought to merit every effort being made to be absolutely sure of the impact of the proposal, which may be greater on internal light levels for these low-ceilinged, small-windowed and single aspect rooms than for more average modern rooms. We are concerned that without these tests being done, planning decisions would be being made without all potential impacts being considered.

We also wish it to be noted that a late amendment to the plans, made after the light survey had returned its results, has added a parapet to the edge of the proposed development closest to the cottages, raising it by over half a metre, which would therefore increase the loss of daylight and sunlight to the windows of the cottages by a further, but unknown amount. The Old Barn bedroom/study window, which would already have lost 25% of its Winter sunshine under the unamended plans, being the closest to this parapet will be particularly affected by this increase in height.

Since the application has been submitted it has also been brought to our attention that a support structure has been built within the existing building, in preparation for the installation of a mezzanine floor in the Garage section. Some customers of the storage units have been emailed about the installation of this floor, which would add a further ~ 300 sqm of storage space, in addition to the 857.6sqm of extra storage space CINCH are applying to build. We would like to draw Committee Members' attention to the fact that if the floor space added by this mezzanine were included in the proposal, then it would have to be classed as a Major development, requiring a BREEAM rating of Excellent, rather than its current BREEAM rating requirement of Very Good. We feel this issue needs to be interrogated by Members, and that if the planning application is passed it should be with a condition that this mezzanine floor is not installed without a further application being made if they wish to do so.

Such an increase in capacity would also significantly impact on parking at the facility, which shares a narrow access road with the listed residences. Its car park can already be overfull at busy times, leading to overspill into residents' bays and blocking of the access road they rely on. Trip analysis data has ~25-30% of vehicles coming to the facility being vans, which residents tell us use 2-3 of the facility's 7 parking spaces each. Any increase in the size and capacity of this building, resulting in more users, in more vans, must be carefully considered, let alone the additional increase in capacity which would come were the additional mezzanine floor to be quietly added.

We remain deeply concerned by these proposals. This situation, in which a large industrial building has been built almost on top of the last precious, listed, remnants of Preston Farm, is already far from ideal. Were this storage building to now be allowed to be significantly increased in scale, height and bulk it would impose on, overbear and dominate its historic neighbours within the conservation area, particularly the almost unique small dwellings of Old Barn, Little Barn and



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Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Mulberry Cottage, for whom it would also create a sense of enclosure. These buildings are our history. It is our duty to do them no harm, and indeed to treat them with the greatest of care.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jamie Lloyd

BH2021/03357 – Cinch Self-Storage, South Road

5th November 2021:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse affect on listed building
- Adversely affects Conservation Area
- Inappropriate Height of Development
- Overdevelopment
- Overshadowing
- Poor design
- Residential Amenity
- Restriction of view

Comment: i believe this development should not be granted and would like it to go to Planning Committee for the following reasons:

This is a highly innaprropriate development that will adversely affect Little Barn, Mulberry Cottage, The Old Cottage and The Old Barn are four 17th century flint properties that are the only surviving remnants of Preston Farm: Preston Village's last evidence of rural Downland Village farming life.

This overdevelopment would not sustain the significance of this group of listed buildings, and would have an adverse impact on their setting through the height, bulk, materials and layout of the works. As these are listed buildings the developer has a responsibility to preserve or enhance this setting. This development would seriously harm it. The applicants have not described the significance of these heritage assets, especially the flint rubble walling, clay tiled roof and the rare-in-Sussex semi-cruck construction of The Old Barn.

This overdevelopment is also inappropriate to the setting and character of Preston Park & Preston Village conservation areas. It doesn't respect the building line, scale and form of the listed building & conservation area settings.

The proposed extension would significantly increase the height of the storage facility from 6m to 10.26m: an increase of almost 14 ft; reducing outlook, visual privacy, daylight and sunlight. It would overshadow these small homes and gardens and completely dominate this precious cluster of listed buildings, compromising windows of habitable rooms and gardens and adversely affecting the residents' quiet enjoyment of their homes.

For all of the reaosn above I beleive this should go to committee



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Steve Davis

BH2021/03357 – Cinch Self-Storage, South Road

5th November 2021:

Comment reasons:

- Loss of light/overshadowing
- Overdevelopment
- Adverse impact on listed buildings
- Out of keeping with the historical character of the area

The proposed extension of the CINCH storage facility would overshadow buildings of local historical importance. These small 17th century flint cottages are an important part of Brighton's past, but because of its height and bulk this development, if allowed to go ahead, would dominate them and rob all of them of a significant part of their light. Old Barn particularly, because it is single-aspect and faces the development, would lose a high proportion of its light, and be overshadowed to an unacceptable extent. It would lose the light, particularly to its study/bedroom window, but also to its downstairs room, and to its small garden.

The proposed development is too large and too close to these listed buildings, and would have a serious adverse impact on the people who live in them. These cottages are part of our local heritage, and we should be working to preserve their character, not permitting this overdevelopment to dominate them.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Sarah Nield

BH2021/03357 – Cinch Self-Storage, South Road

27th October 2021 (Letter):

Comment reasons:

- Adverse impact on a cluster of listed buildings of historical importance to the area
- Overdevelopment
- Severe loss of daylight and outlook
- Adverse impact on residents' enjoyment of their homes
- Out of keeping with the character of the area.

I believe this development should not be granted and would like it to go to Planning Committee for the following reasons:

Having been to view the proposed development I find it totally inappropriate that something is even being considered which would so totally overbear and overshadow such a rare cluster of listed buildings of local historical importance. Little Barn, Mulberry Cottage, The Old Cottage and The Old Barn are four 17th century flint properties that are the only surviving remnants of Preston Farm: Preston Village's last evidence of rural Downland Village farming life.

This overdevelopment would not sustain the significance of this cluster of listed buildings, and would have an adverse impact on their setting through the height, bulk, materials and layout of the works. As these are listed buildings the developer has a responsibility to preserve or enhance this setting. This development would seriously harm it. The applicants have not described the significance of these heritage assets, especially the flint rubble walling, clay tiled roof and the rare-in-Sussex semi-cruck construction of The Old Barn.

This overdevelopment is also inappropriate to the setting and character of Preston Park & Preston Village conservation areas. It doesn't respect the building line, scale and form of the listed building & conservation area settings.

The proposed extension would significantly increase the height of the storage facility from 6m to 10.26m: an increase of almost 14 ft; reducing outlook, visual privacy, daylight and sunlight. It would overshadow these small homes and gardens and completely dominate this precious cluster of listed buildings, compromising windows of habitable rooms and gardens and adversely affecting the residents' quiet enjoyment of their homes.

Having visited, I am particularly alarmed by the development's potential impact on The Old Barn: being single aspect its frontage looks out on the storage facility, which were it to be significantly increased in height and bulk would totally overshadow and dominate this small dwelling, causing a huge loss of light to its small garden, and its lower floor, but especially to its single study/bedroom, which having one small rectangular 17th century window on its east side would lose a large proportion of its outlook and light. I really feel this would be hugely detrimental to the resident's enjoyment of their home, and would urge that a site visit to fully appreciate this and other issues, including actually sitting at this window, should be made by everyone involved in this planning decision.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

The plans as submitted do not convey the significance of this cluster of listed buildings and their curtilage, and they do not accurately describe the single aspect of Old Barn. Its frontage is wrongly described as the rear of the property, which gives a totally inaccurate impression of the extent to which this proposed development would affect, dominate and overshadow it, and life within it. These cottages are a rare and precious part of our heritage and expert advice (including site visits) needs to be sought from the heritage team and the Conservation Advisory Group before a development is allowed which would have such a detrimental effect on the ability of those who live in them, and look after them, to continue to enjoy these historic homes.

27th October 2021 (Email):

I'm attaching a proper objection letter for BH2021/03357 now I've been to see it. Let me know if there are any problems with this – I've tried to keep to one page. Having visited I am quite alarmed by this application. I know Russell has also visited, but the resident mentioned that he didn't go upstairs in the Old Barn when he was there, and that was for me the most glaring example of where a resident would lose significant light and really be detrimentally affected should this extension go ahead. Is it possible for someone to go back and look at this? The solar panel that you refer to as appearing to be on the front elevation of the property is actually a small rectangular window which provides the study/bedroom with almost all its daylight, and if you sit at the desk under the window it is immediately apparent that the increased height and bulk of the proposed extension would rob this room (which is the only room apart from a small corner bathroom in the upstairs of the cottage) of a great proportion of its light and cause a real issue for anyone who lives there.

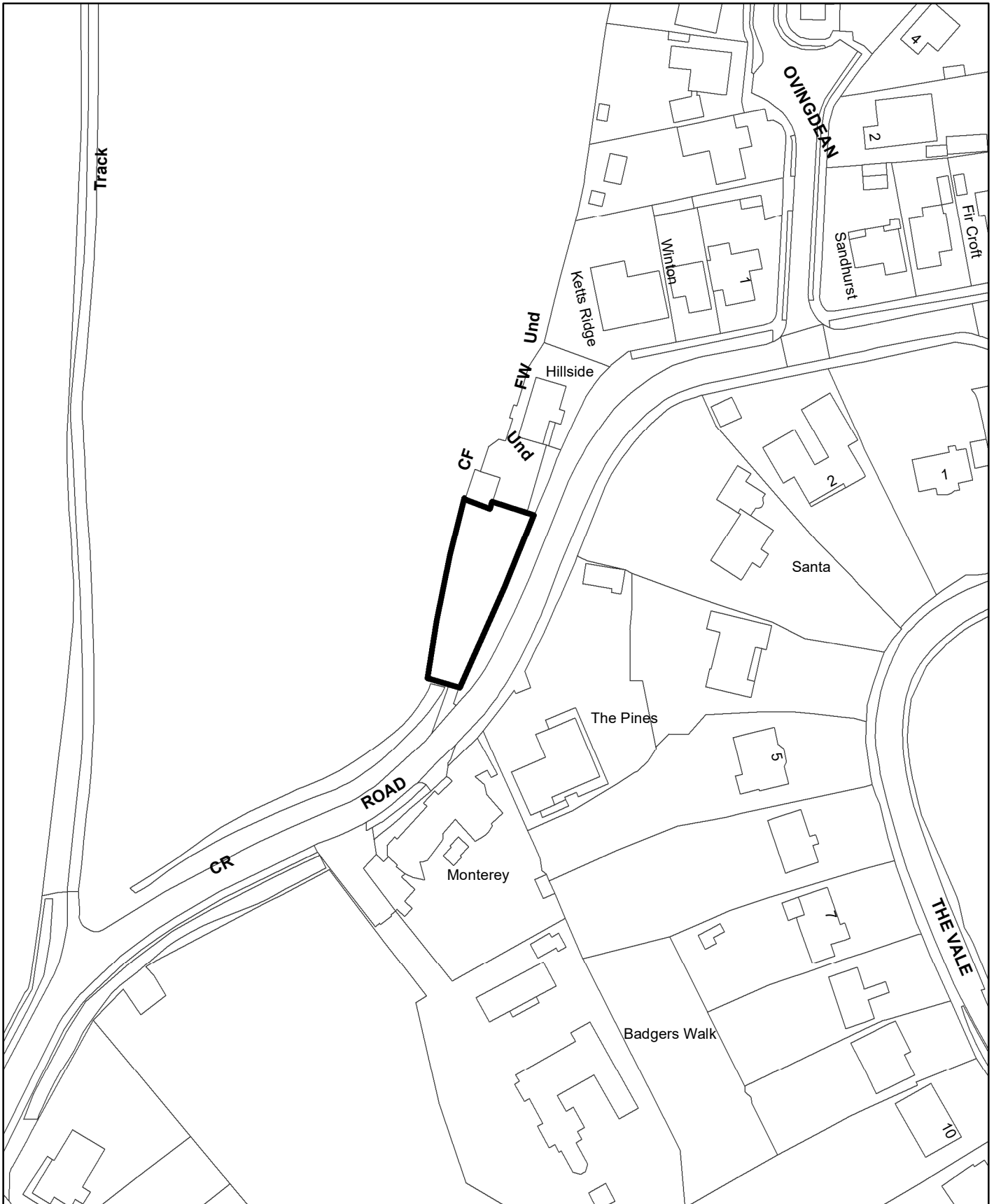
This isn't my only objection, but I think it's a significant one, and should be being addressed, since to date no-one involved in the application seems to have realised there is a window, and an issue, there.

ITEM I

**Land Adjacent Hillside, Ovingdean Road
BH2022/00287
Reserved Matters**

DATE OF COMMITTEE: 5th October 2022

BH2022/00287 Land Adjacent Hillside, Ovingdean Road



Scale: 1:1,250

<u>No:</u>	BH2022/00287	<u>Ward:</u>	Rottingdean Coastal
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land Adjacent Hillside Ovingdean Road Brighton BN2 7AA		
<u>Proposal:</u>	Reserved Matters pursuant to outline application BH2019/03135 for approval of layout, scale and appearance relating to the erection of 1no. dwelling (C3).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	16.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.06.2022
<u>Agent:</u>	Mrs Umut Gedik Kilic NARCH Design and Build 4th Floor Hamilton House, Mabledon Place, London, WC1H 9BB		
<u>Applicant:</u>	Mr Bulent Ekinci Black Homes Ltd 5 Windsor Close, Hove, BN3 6WQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan	2112-01E	J	30 August 2022
Proposed Drawing	2112-01P	J	30 August 2022
Proposed Drawing	2112-02	J	30 August 2022
Proposed Drawing	2112-03	J	30 August 2022
Proposed Drawing	2112-04	J	30 August 2022
Proposed Drawing	2112-05	J	30 August 2022
Proposed Drawing	2112-06	J	30 August 2022
Proposed Drawing	2112-07	J	30 August 2022
Proposed Drawing	2112-08	J	30 August 2022
Proposed Drawing	2112-09	J	30 August 2022
Proposed Drawing	2112-10	J	30 August 2022
Proposed Drawing	2112-11	J	30 August 2022

2. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
- a) all brick, tiling and render (including details of the colour of render / paintwork to be used);

- b) all cladding to be used, including details of their treatment to protect against weathering;
- c) the proposed window, door, juliette balcony and column treatments; and
- d) 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 Brighton & Hove City Plan Part Two.

- 3. The development hereby permitted shall not be occupied until drawings detailing the positions, height, design, materials and type of all proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM33 of the Proposed Submission Brighton & Hove City Plan Part Two.

- 4. 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 Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission Brighton & Hove City Plan Part Two.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies QD27 of the Brighton and Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a vacant plot close to a bend to the west side of Ovingdean Road, which slopes down steeply towards the east. A property called Hillside is located immediately to the north as is a substation, which has no direct access to the road. The site is mainly covered with trees, all of which are covered by a Tree Protection Order (TPO). However, it is noted that seven were unlawfully felled on 11 July and the rest (23) were irreversibly damaged by chainsaws. The site is within the Urban Fringe, a Source Protection Zone and a Nature Improvement Area (NIA).

3. RELEVANT HISTORY

- 3.1. **BH2022/02350:** Variation of Condition 3 a) of outline planning permission BH2019/03135 to permit an additional year for all reserved matters to be submitted to the Local Planning Authority for approval. Approved 6 September 2022
- 3.2. **BH2019/03135:** Outline application with some matters reserved for erection of 1 no. dwelling (C3). Approved 17 December 2019
- 3.3. **94/0405/OA:** Proposed chalet bungalow and garage. Refused 9 August 1994 for the following reasons:
1. The proposal represents a cramped and intrusive form of development out of character with the general form of existing development in the area which fails to satisfy Policy ENV1 of the Borough Plan.
 2. Inadequate visibility splays are provided at the junction of the access with the public highway.
 3. The development is unsatisfactory in that it would result in the loss of trees which are the subject of a Tree Preservation Order, to the detriment of the amenity of the site and the surrounding area.

4. APPLICATION DESCRIPTION

- 4.1. The current application is for the Reserved Matters pursuant to the outline permission BH2019/03135 relating to the erection of one dwelling (C3). The application seeks approval for the following outstanding Reserved Matters: layout, scale and appearance.
- 4.2. Changes were made during the course of the application to
- As originally submitted the application also sought approval for landscaping. This was removed during the course of the application as insufficient information had been submitted to support the reserve matter and the applicant felt the information required would take too long. This resulted in application BH2022/02350 to extend the time to submit the reserved matters.
 - remove the basement floor;
 - reinstate the vehicle turning area; and

- reduce both the height of the dwellinghouse and the level at which it would sit within the site.

5. REPRESENTATIONS

5.1. **Twenty five (25) objections, three (3)** of which were from persons who are considered to be potentially directly affected, were received during the consultation period, including on behalf of **Ovingdean Residents & Preservation Society**. The objections raised the following issues:

- The screening of the development at Land South Of Ovingdean Road in views from the South Downs National Park would be compromised if the trees on site were to be felled, thereby adversely affecting the amenity of the area, wildlife habitats and attempts to counter global warming. There is no landscape plan submitted.
- It is still the case that the access would be on a steep hill near a dangerous blind bend, thereby posing a real danger to road users in both directions.
- The total floor area of the outline application appears to have been exceeded.
- A three-storey six-bedroom house on this plot represents overdevelopment.
- The size of the house is too tall and too large, out of keeping and out of proportion.
- There is little space for any cars to park at the proposed dwelling or to accommodate construction vehicles on site. A construction plan detailing safe delivery, loading and parking of construction vehicles should be required.
- Insufficient off-road car parking given the size of the proposed house
- Additional traffic
- The housing needs of Ovingdean are already being addressed.
- The plans do not show the height of the building above the edge of the field to the west, but some or all of the roof would be visible from across the valley, which would be detrimental to the ambiance of the area and out of keeping with the nearby conservation area.
- The infrastructure is not present to cope with the number of new inhabitants.
- This is not a suitable site for any development.
- It appears that the relative levels of the land involved may not have been properly recognised so it will be necessary for the developers to dig deep into the hill to create a suitable flat site.
- If a property and usable garden is to be built on this site a good many of the 30 densely packed TPO trees would have to be felled, which is considered unacceptable.
- No details of how the proposed property would be linked to the existing footpath to allow access for pedestrians and wheelchair users have been submitted.
- The substation is far too near to the property for safety and would limit access for maintenance.

- 5.2. **Councillors Mears and Fishleigh** have objected to the application and requested that the application go to Planning Committee. Copies of the correspondence are attached to the report.

6. CONSULTATIONS

6.1. **Transport (verbal): objection**

Comments made on the scheme as originally submitted:

- The site layout in terms of the turning area and access to the substation are not as approved. The turning area is wider and closer to the verge on the 'Existing Site Plan', but on the proposed plans is occupied by steps up to ground floor level and an entrance gate. The driveway does not allow sufficient space for a simple turning manoeuvre, thereby encouraging vehicles to reverse onto the public highway and from it onto site. Only pedestrian access is provided to the substation, which is likely to be unacceptable given there is no space for off-street parking for vehicles servicing it.
- By proposing boundary treatment up against the access, this potentially reduces the visibility splays approved by the original application. However, it is noted that the gate is set back from the public highway, allowing vehicles to wait on the site access before safely turning onto the public highway.
- Pedestrian access is a concern given that the entrance gate opens out onto the verge and that occupants and visitors would likely have to walk across the crossover.
- No cycle parking is provided.
- The amount of car parking is compliant.

The comments raised by the Transport team have been addressed through amendments.

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 Joint Area Action Plan (October 2019)

- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6 Sustainable Neighbourhoods

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2:

The Inspector published her Final Report into the Examination of the City Plan Part Two on 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) 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

DM18 - High quality design and places

DM20 - Protection of Amenity

DM33 - Safe, Sustainable and Active Travel

Supplementary Planning Documents

SPD17 Urban Design Framework

Other Documents

Urban Characterisation Study 2009

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The access to the development has previously been granted permission under the original outline permission BH2019/03135. The main considerations in the determination of this application relate to the layout, scale and appearance of the proposed development.

Officers have undertaken a site visit.

Principle of Development:

- 9.2. The principle of development has already been established through approval of the outline application and therefore does not form part of the consideration of this current application.

Layout:

- 9.3. The proposed layout is in compliance with the indicative plans submitted with the outline permission with the proposed dwelling being located to the northern end of the site close to the substation and nearer to the western boundary than the eastern to allow for a driveway and vehicle turning area.
- 9.4. Access was previously approved at outline stage. As originally submitted, changes were proposed to the access, however, following amendments the vehicular route to the dwelling would be via the previously approved splayed driveway for vehicles. Sufficient space for a simple turning manoeuvre and the new pedestrian pathway linking in with the existing to the north are incorporated into the design. The pedestrian entrance gate initially proposed has also now been removed. Space is left to all but the north side of the proposed dwelling where access to the substation would be maintained, both from Ovingdean Road and the National Park.
- 9.5. The southern part of the site would partly be taken up by a patio area with steps down to the garden.
- 9.6. As this site very much sits independently of the nearest plots and the dwellings they contain, it is considered that there is no need for the layout and positioning of the proposed dwelling within the site to mirror or otherwise be consistent with other dwellings along this road.
- 9.7. In terms of the impact on neighbouring amenity from the layout, its positioning on site is considered to be sufficiently far from the closet dwelling (Hillside) not to have any material impact in this regard.
- 9.8. In terms of internal layout, the proposed dwelling would be five bedroom, ten person over two storeys. There is not a figure for this in the Nationally Described Space Standard, which has been adopted by Proposed Submission City Plan Part Two Policy DM1. However, at 250m² it would comfortably exceed the standard for a five bedroom, eight person dwelling over two storeys of 128m². All the bedrooms would be sufficiently sized for double occupancy. It is considered that there is ample space for circulation and furniture, and that the layout is appropriate. Sufficient external amenity space would be provided in the form of a patio area and garden to the south.
- 9.9. It is noted that the site layout helps ensure that the proposed dwelling would comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), as required by Condition 5 of the outline permission, through the provision of a disabled access ramp. It is also noted that the gradient of the driveway would be 6°, which equates to 10.5% or 1:10.5, and

would be a fairly moderate slope. This is therefore acceptable for disabled access in this residential situation.

- 9.10. As such, it is considered that the layout is acceptable.

Scale:

- 9.11. The proposed scale is in compliance with the indicative plans submitted at outline stage with the proposed dwelling having a built footprint of 250m². It would be 16m long by 7.8m wide by 8.69m high with an eaves height of 5.77m. These dimensions are considered acceptable considering the size of the application site and neighbouring dwellings. The height allows for sufficient internal floor to ceiling heights of 2.55m on both floors.
- 9.12. Following concerns from Officers that the proposed dwelling could potentially be out of keeping with other dwellings to the north in respect of its height, a streetscene elevation was provided. This shows that the height of dwellings steps up the hill in a southerly direction. Ketts Ridge would step up to Hillside by 2.17m and the proposed dwelling would step up from the latter by 3.8m. Whilst this step up from Hillside to the proposed dwelling is by a greater amount than the step up from Ketts Ridge to Hillside, it is considered acceptable given the increased gap between the proposed dwellinghouse and Hillside and the fact that they are on a curved road where all the houses would not be seen together. The distance between the eaves and roof ridge on the proposed dwelling has, however, been reduced in height to be more consistent with those on Hillside and Ketts Ridge.
- 9.13. A topographical study has also been carried out to inform the levels on site, the land level the dwelling would be sited upon and the extent of any excavation that would need to be carried out. By building the proposed dwelling 2m below the natural ground level, this would also help mitigate the impact on the closest neighbouring dwelling, Hillside, and its garden in respect of being overbearing. In light of the changes to the height of the proposed dwelling and the level of the land it would be built upon, and a maximum of 6.4m of the proposed dwelling being visible from the garden of Hillside (as shown on Proposed Section A-A), it is considered not to be overbearing that would justify refusal of the application and the impact on neighbouring amenity would be acceptable. There would be no material impact on outlook, daylight or sunlight from the scale of the proposed dwelling. To ensure the development is built in accordance with the this, a land levels condition is recommended.

- 9.14. As such, it is considered that the scale is acceptable.

Appearance:

- 9.15. The building would have a pitched roof with hips to the northern and southern sides as well as projecting gables to the eastern (front) and western (rear) elevations. The front projecting gable end would incorporate semi-circular arched glazing with a multi-pane glazing pattern. Other front and rear elevation windows would also feature a multi-pane glazing pattern. The first floor fenestration would be full-height and feature juliette balconies. The southern elevation would feature two double doors and two single pane first floor

windows. The roof would have a substantial overhang to the front elevation supported by four columns, each of which would be split into two by prominent horizontal banding between the ground and first floors. The central-most columns would flank the front door, which would be mostly glazed in a four-over-four pattern.

- 9.16. The external design would therefore feature classical architectural features, such as the columns that are distinctive of the Georgian period, interspersed with contemporary design elements such as the door to the integral garage and ramp. The semi-circular arched glazing would have the effect of highlighting the entrance to the proposed dwelling.
- 9.17. The site is located within Ovingdean, which can be characterised as a downland settlement. The areas closest to the application site are characterised as very low density suburban style housing. Although in general the buildings are not of any significant architectural merit and lack any unifying features, the generally spacious setting and wider landscape, including the backdrop of the South Downs National Park (SDNP) combine to provide an attractive environment.
- 9.18. Therefore, whilst the proposed mix of styles is not entirely cohesive, no objections are raised to the design approach for this proposed detached dwelling, which is unlikely to be viewed in conjunction with the nearest residential properties and therefore not considered to be unacceptably incongruous.
- 9.19. No details of materials have been provided, but it is recommended that these are secured by a pre-commencement condition.
- 9.20. Turning to amenity, there would be no material impact on privacy from the windows within the proposed dwelling given the lack of windows and external amenity area to its northern side.
- 9.21. In terms of boundary treatments, these too are recommended to be secured by condition. It is, however, important that the front boundary / retaining wall is not any higher than 0.6m so as to not impede visibility splays. If required for privacy or security reasons, railings can be added up to 1.4m on top of the wall. It has also been agreed that an appropriately fire rated composite fence and gate would form the western boundary of the access to the substation.
- 9.22. As such, it is considered that the appearance is acceptable, subject to the imposition of conditions.

Landscaping:

- 9.23. As previously advised, the scheme as originally submitted included landscaping. This was removed from the application during the consideration of the application as insufficient information has been submitted. It is important to note that no development can commence until an application for the approval of the landscaping reserved matter has been submitted and approved by the Local Planning Authority.

- 9.24. It should be noted that this will need to include mitigation planting to replace those trees covered by a TPO that have been felled and damaged. If the reserved matters is not deemed acceptable at the time of submission, this may require amendments to the layout and a further reserved matters would need to be submitted.

10. CONCLUSIONS

- 10.1. The proposal for the approval of reserved matters relating to layout, scale and appearance are considered to be acceptable and would not result in a significant deviation from the scheme approved at the outline stage. It remains a policy compliant development which would provide an additional unit of residential accommodation in Ovingdean to meet a recognised need. The proposal would be compliant with Policies SA6 and CP12 of the City Plan Part One, TR7, QD27, HO5 and HO13 of the Local Plan and DM1 (carries significant weight), DM18 (carries limited weight), DM20 (carries more weight than QD27) and DM33 (carries significant weight) of the Proposed Submission City Plan Part Two. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed dwelling would be designed in accordance with Building Regulations Optional Requirement M4(2) and would therefore be fully accessible and adaptable.

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The proposal would provide sufficient daylight and sunlight via openable windows to all habitable rooms, thereby reducing reliance on artificial means of ventilation and heating. The harm to biodiversity through the damage caused to trees is to be offset under a subsequent reserved matters application for landscaping.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Mary Mears

BH2022/00287 - Land Adjacent Hillside, Ovingdean Road

1st March 2022:

For the approval of layout scale, appearance and land scaping relating to the erection of 1no dwelling (C3) Land Adjacent Hillside Ovingdean Road Brighton Bn2 7AA.

As a ward councillor for Rottingdean Coast I wish to object to the above application for the following reasons:

In my view this is a completely inappropriate development, to put a 6-bedroom 3 storey house on this tiny plot, The site is situated on the steep part of Ovingdean road on a blind bend on the left as you go down .

There are a large number of healthy trees on the site all with TPOs on them, which would need to be felled to accommodate this development.. and is close to a wild- life corridor.

An application to build on this site was previously turned down some years ago because of the traffic dangers, this being a blind bend , which is still the case. Access to this site on a bend will in my view cause serious problems for traffic in the area.

This application is also much larger than the planning permission originally given in 2019 for a 2 storey development.

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



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Bridget Fishleigh

BH2022/00287 - Land Adjacent Hillside, Ovingdean Road

1st August 2022:

I am horrified that trees with TPOs have been felled and damaged to make way for this proposed dwelling.

I am writing to request that this application comes to planning committee for discussion if officers are minded to grant.

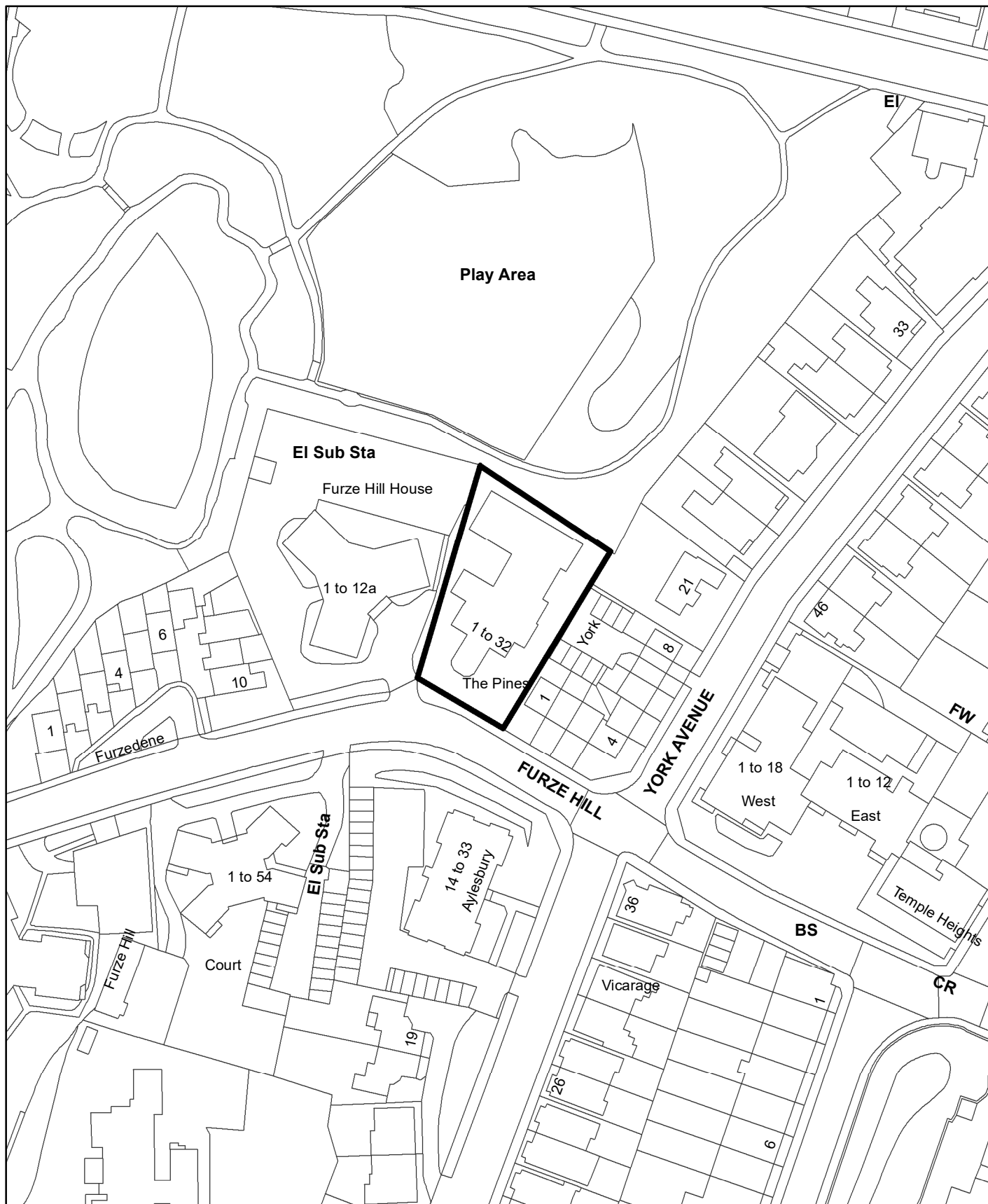
I am pressing BHCC to penalise the land-owner through prosecution or a hefty fine.

ITEM J

**The Pines, Furze Hill
BH2022/01765
Removal or Variation of Condition**

DATE OF COMMITTEE: 5th October 2022

BH2022/01765 The Pines, Furze Hill



N



Scale: 1:1,250

<u>No:</u>	BH2022/01765	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Pines Furze Hill Hove BN3 1PA		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2020/02776 to amend approved drawings for a revised ground floor layout and to remove conditions 4 and 5 relating to cycle parking and parking layout.		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	27.05.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	22.07.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Osmond Tricks Ltd 8-10 Whiteladies Road Bristol BS8 1PD		
<u>Applicant:</u>	Mr David Hicks Millennium House Dukesmead Industrial Estate Werrington Peterborough PE4 6ZN		

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	015	A	27 May 2022
Proposed Drawing	020	B	21 July 2022
Proposed Drawing	021	B	27 May 2022
Proposed Drawing	023	A	27 May 2022
Proposed Drawing	030	A	27 May 2022
Other	Falcopod 6 Cycle Store		21 July 2022
Proposed Drawing	Refuse store detail	1933	14 July 2022

2. The development hereby permitted shall be commenced before the 11th June 2024.

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted

to and approved in writing by the Local Planning Authority, including (where applicable):

- a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of the proposed window, door and balcony treatments
- c) details of all other materials to be used externally

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

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

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

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

- 5. The development hereby permitted shall not be first occupied until the car parking layout hereby approved has been 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 adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One 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. For further advice regarding water, drainage and sewer connection, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

2. SITE LOCATION

- 2.1. The application relates to a part 2 storey part 3 storey building located on Furze Hill which is currently operating as a care home (C2) with 35 bedrooms. The building comprises an original Edwardian style detached dwelling which has been substantially modified and extended.

3. RELEVANT HISTORY

- 3.1. **BH2020/02776** - Alterations to create 7no additional bedrooms (C2) to include erection of single storey front extension with terrace to replace existing conservatory, two storey extension to the East elevation, two storey extension to the West elevation with associated landscaping and works.
- 3.2. Approved at Planning Committee on the 09.06.2021

4. APPLICATION DESCRIPTION

- 4.1. This application is an application vary condition 1 (approved plans) to allow changes to the internal ground floor layout in order to improve the kitchen and laundry facilities. The application also provides details with regards to conditions relating to cycle parking and car parking layout and the re-location of the refuse store.
- 4.2. Planning permission BH2020/02776 granted consent for extensions and alterations which include the removal of the existing conservatory and replacement with a flat roof front extension to provide further communal accommodation, a two storey extension to the east and a first floor extension to the west to increase the bedroom capacity. The proposal would increase the number of bedrooms by 7 to 42, all with en-suite facilities. In total an additional 120sqm of floorspace is proposed compared to the existing.
- 4.3. This application proposes a minor amendment to the plans approved on the eastern elevation at ground floor. An open service entrance and window at ground floor would be altered in their position with the open service entrance replaced with a door and moved approx. 4m to the rear along the same elevation with the window re-positioned similarly moved forward to its place. The external change facilitates a change to the internal layout of the kitchen and laundry and the removal and repositioning of the refuse store to the western side of the site. Cycle storage details and a revised car park layout have also been supplied with the application in order to satisfy the information requirements of Condition 4 (cycle parking) and Condition 5 (car parking layout) of the extant approval.
- 4.4. The application has been amended during the course of the submission with an extension to the size of the delivery and servicing bay (car parking layout) and the relocation of the refuse store from the front western edge of the site to a secure and covered proposed refuse store atop of the entrance driveway on the western side of the site.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters have been received objecting to the proposed development for the following reasons:
- Plans to extend the building would result in less parking for visitors and staff
 - The proposed refuse store would attract vermin / odour / noise from collections
 - Refuse store too close to front gardens

- Refuse store should be positioned as approved

6. CONSULTATIONS

- 6.1. **Sustainable Transport** : No objection following amendments and details
- The servicing and loading bay has been increased in size to 6m which is considered acceptable given the applicant is committed to using the smaller panel vans for servicing and delivery needs.
 - The proposed falcopod cycle store is acceptable in this instance given the constraints of the site

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. 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).
 - Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

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

TR7 Safe Development
 TR14 Cycle access and parking
 QD5 Design - street frontages
 QD14 Extensions and alterations
 QD15 Landscape design
 QD27 Protection of amenity
 HO11 Residential Care and Nursing Homes

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP8 Sustainable buildings

CP9 Sustainable transport
CP12 Urban design
CP13 Public streets and spaces

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.

DM4 Housing and Accommodation for Older Persons
DM20 Protection of Amenity
DM21 Extensions and Alterations
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the application are the impacts of the elevational changes and ground floor layout upon the amenity of neighbouring occupiers in regards to the external and internal changes and the relocated refuse store and the acceptability of the amended car parking layout and cycle store.

Changes to eastern elevation:

- 9.2. As described above the external changes to the extensions proposed from the scheme as approved are minor in nature and relate solely to the eastern elevation at ground floor. The change constitutes the relocation of a single window at ground floor and the reposition and changing of an open delivery and servicing access and its replacement with a door. Policies QD14 and CP12 seek to ensure proposals are of appropriate design and respect the character and appearance of the existing building and that of the wider area. The alterations are proposed at ground floor on the western elevation facing the neighbouring flats at Furze Hill House and would not have any material impact upon the character of the area or street-scene given their limited visibility. The removal of the open service entrance and the repositioning of the window is not expected to result in any harmful impacts to the amenity of residents adjacent at Furze Hill

House. The removal of the refuse store from the eastern side of the site would present as an improvement to neighbouring amenity.

- 9.3. The internal alterations facilitated by the small elevational changes would result in the area previously proposed as the refuse store to be utilised for laundry purposes with a consequential improvement to the operational business needs and would not impact on any other element of the care home operation.

Refuse storage:

- 9.4. As originally approved under BH2020/02776 was positioned at ground floor on the eastern side of the site adjacent to Furze Hill House. This application originally proposed a refuse store adjacent to the south eastern entrance to the driveway next to the front gardens and terraced properties of York Place. Following the representations and objections received the applicant now proposes a single storey covered refuse store located further north into the site on the eastern boundary adjacent to the rear garages and rear parking area of York Place. Given that the proposal would constitute a covered and secure refuse store and would not be directly adjacent to the York Place properties this is considered acceptable with regards to its impact on neighbouring amenity. A condition shall be applied to ensure the store is utilised prior to first use of the extensions hereby permitted.

Sustainable Transport (conditions relating to cycle parking and car park layout):

- 9.5. Condition 4 of BH2020/02776 (cycle parking) states;
- 9.6. "The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants, staff of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times."
- 9.7. The applicant has proposed a FalcoPod bike hanger, which provides a covered and secure cycle store for six bikes and is considered acceptable in this instance. The floor anchor cycle parking is less desirable from an accessibility perspective, however due to site constraints this cycle parking type is accepted in this instance. A condition is recommended to secure the implementation and retention of the cycle parking facilities.
- 9.8. Condition 5 of BH2020/02776 (car parking layout) states;
- 9.9. "The development hereby permitted shall not be first occupied until revised details of the car parking layout including the positioning of the disabled parking space and the size of the delivery bay, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times."

- 9.10. The proposed ground floor plan shows an on-site loading bay area which is 6m in length (extended following concerns raised by the Highways team about the suitability of the shallow loading bay). The applicant has committed to deliveries and servicing being undertaken by panel vans (5.2m in length) and smaller light goods delivery vehicles, which can be accommodated on-site within the proposed loading bay area. The proposed on-site loading area is considered acceptable on the basis the proposal retains the existing area on-site for loading/unloading and existing access/egress manoeuvre (i.e., reversing into the site from the highway), albeit with the more formalised arrangement proposed. This is accepted in this instance, given the limited space available on-site to turn/manoeuvre in forwards gear.
- 9.11. The repositioning of the disabled car parking bay to the northern end of the eastern drive is considered acceptable given its proximity to the main entrance and the positioning at the top of the driveway slope.
- 9.12. A condition is recommended to secure the retention of the approved car parking layout.

Conclusion:

- 9.13. The external alterations proposed within this application as an amendment to the planning permission approved under BH2020/02776 would not result in any harm to the character of the area, harm to amenity nor harm to the viability or operation of the care home in accordance with policies QD27 and QD14 of the retained Brighton and Hove Local Plan 2005, CP12 of the Brighton and Hove City Plan Part One and policies DM21 and DM20 of the emerging Brighton and Hove City Plan Part Two.

10. BIODIVERSITY AND CLIMATE CHANGE

- 10.1. To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development, a condition will ensure at least one bee brick is incorporated within the external wall of the development.

11. EQUALITIES

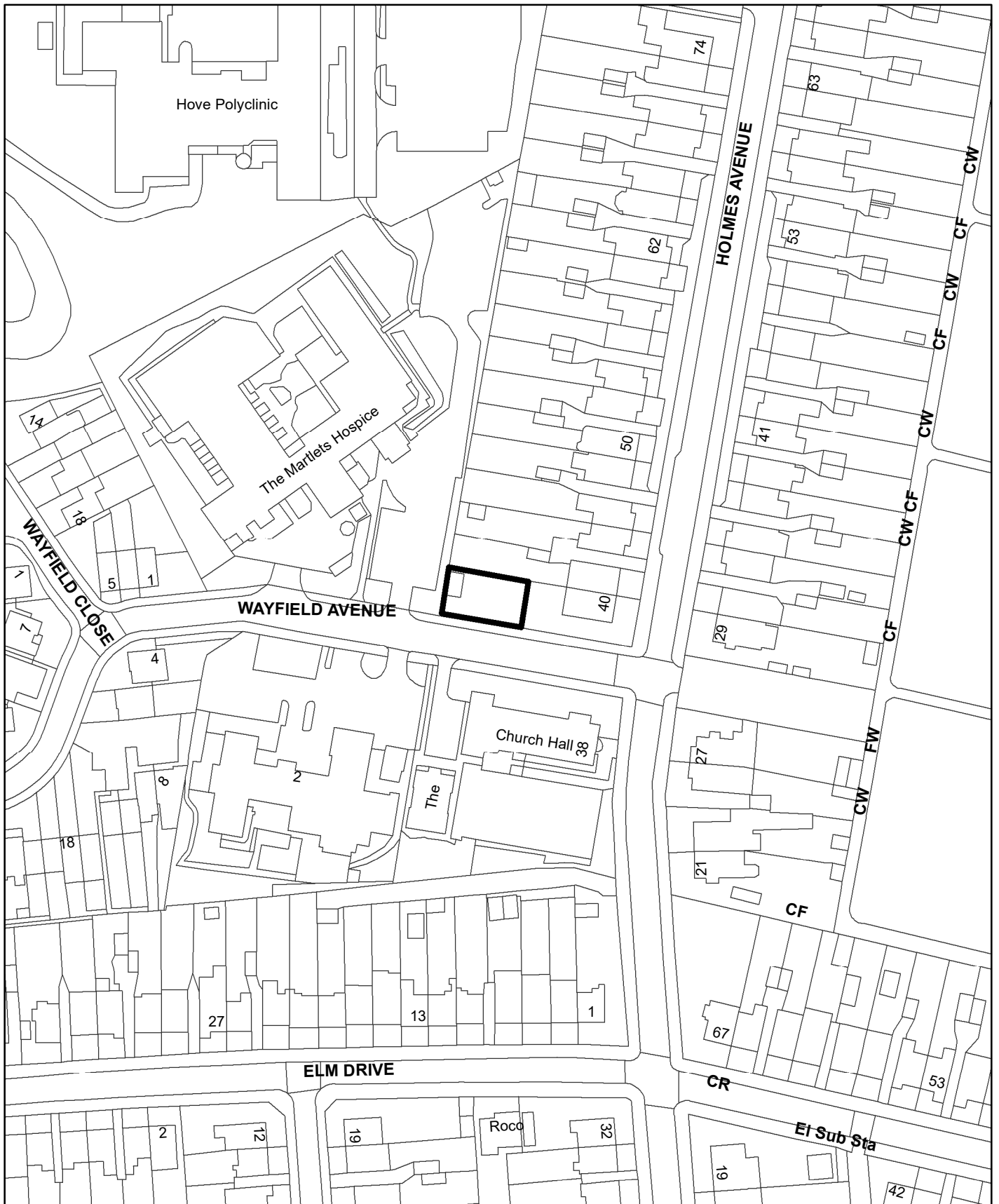
- 11.1. The disabled parking bay has been positioned at the top of the entrance drive slope and close to the main entrance of the building to assist in access to the premises. Whilst the approved cycle parking falco-hanger would require lifting the front wheel of the cycle into place, this is considered to be acceptable in this instance due to the size and constraints of the site.

ITEM K

**Land to Rear of 40 Holmes Avenue
BH2022/01136
Full Planning**

DATE OF COMMITTEE: 5th October 2022

BH2022/01136 Land to Rear of 40 Holmes Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2022/01136	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 40 Holmes Avenue Hove BN3 7LD		
<u>Proposal:</u>	Erection of 1no two-storey, three-bedroom detached house (C3), with associated landscaping, boundary reconfiguration and demolition of existing garage.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	04.04.2022
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	30.05.2022
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	06.10.2022
<u>Agent:</u>	Liam Russell Architects Ltd 24 Windlesham Road Brighton BN1 3AG		
<u>Applicant:</u>	Mr Marcus Morley 2 Coopers House High Street Henfield BN5 9EQ		

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	1764-EX-001	-	4 April 2022
Proposed Drawing	1764-PA-010	A	10 June 2022
Proposed Drawing	1764-PA-011	A	10 June 2022
Proposed Drawing	1764-PA-012	B	29 June 2022
Proposed Drawing	1764-PA-013	B	29 June 2022
Proposed Drawing	1764-PA-014	B	29 June 2022
Proposed Drawing	1764-PA-015	C	29 June 2022
Proposed Drawing	1764-PA-016	B	29 June 2022

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

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

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

Hove City Plan Part One; and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.

4. The following windows and rooflights hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window/rooflight is installed, and thereafter permanently retained as such.
 - The window servicing bedroom 2 at first floor level on the east elevation.
 - The rooflight servicing the bathroom at first floor level
 - The rooflight servicing the stairwell at first floor level

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan; and DM20 of the emerging Brighton & Hove City Plan Part Two.
5. Access to the flat roof of the dwellinghouse hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the emerging Brighton & Hove City Plan Part Two.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD14 of the Brighton & Hove Local Plan; CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One, and DM43 of the emerging Brighton & Hove City Plan Part Two.
8. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc or hardstandings incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - F 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, to the character of the area, or to local biodiversity and ecology, and for this reason would wish to control any future development to comply with policies QD14,

QD18 and QD27 of the Brighton & Hove Local Plan; CP10 and CP12 of the Brighton & Hove City Plan Part One; and DM20, DM1, DM22 and DM37 of the emerging Brighton & Hove City Plan Part Two.

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

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

10. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

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

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

11. No development shall take place until an ecological design strategy (EDS) addressing protection of retained habitats and enhancement of the site to provide biodiversity net gain, in line with the recommendations in the Preliminary Ecological Appraisal (CT Ecology, 30/12/21) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;

- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the Proposed Submission Brighton & Hove City Plan Part Two.

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

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; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; DM22 of the emerging Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

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

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

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

15. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11: Nature Conservation and Development.
16. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan, and DM41 of the emerging Brighton & Hove City Plan Part Two.
17. The development hereby approved shall not be occupied until the refuse and recycling storage facilities as detailed on the approved plans have been installed 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, DM21 of the emerging Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
18. The dwellinghouse hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.
19. 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; CP9 of the Brighton & Hove City Plan Part One; and DM33 of the Emerging Brighton & Hove City Plan Part Two.
20. 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 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) details of all boundary treatments to include type, position, design, dimensions and materials;

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.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM22 of the emerging Brighton & Hove City Plan Part Two.

- 21. Prior to occupation of the development hereby permitted, details of proposed trees including a tree to compensate the likely impact to a tree in the neighbouring plot shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule detailing sizes and numbers of all proposed trees 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;

The approved details 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.

Any trees 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 mitigate the expected loss of trees adjacent to the application site resulting from the development hereby permitted, enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM22 of the emerging Brighton & Hove City Plan Part Two.

Informatives:

- 1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
- 3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
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 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.
8. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
10. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
11. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

12. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

2. SITE LOCATION

- 2.1. The application site is an area of land to the rear of no.40 Holmes Avenue. The land itself fronts the north side of Wayfield Avenue and is adjacent to the Martlets Hospice and opposite the vehicle entrance for the Bishop Hannington Youth and Community Centre. The land would have previously been part of the curtilage of no.40 Holmes Avenue but was split off from the site during a change of ownership and now forms a separate planning unit.

3. RELEVANT HISTORY

3.1. PRE2020/00210

Pre-application advice was given on a single dwellinghouse of similar design to the current proposal.

3.2. BH2015/01481 Erection of 2no two storey two bedroom houses. Refused - Appeal Dismissed

- The proposed development by reason of the proposed plot sizes, layouts and small garden areas which would be out of keeping surrounding area, compromising the quality of the local environment. The proposal represents an incongruous and cramped form of development and an overdevelopment of the site. The proposed development is therefore contrary to policies QD1, QD2, QD3, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
- The scheme does not include suitably sized gardens commensurate to the size of the dwellings proposed. Furthermore the garden which would be allocated to no. 40 Holmes Avenue is substantially smaller than those of neighbouring properties particularly in regard to depth. The scheme would therefore be harmful to the amenity of future occupiers, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan and paragraph 17 of the NPPF.
- The proposal by virtue of its scale, bulk and massing in close proximity to the boundary with no. 42 Holmes Avenue would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden area of the northern neighbouring property. Furthermore the proposed dwellings would be of a prominent appearance when viewed from the rear windows and garden of the existing dwelling at no. 40 Holmes Avenue. Overall it is considered that significant harm would result and the proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan and paragraph 17 of the NPPF.

3.3. BH2014/02431 Erection of 2no two storey three bedroom houses. Refused

- The proposed dwellings by reason of their design, form, excessive footprints, detailing, finish materials, limited plot depths and the required reduction in the plot size of no. 40 Holmes Avenue, would result in a development that fails to reflect the immediate character of the Holmes Avenue and Wayfield Avenue streetscenes and the wider surrounding area, compromising the quality of the local environment. The proposal represents an incongruous and cramped form of development and an overdevelopment of the site. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
- The scheme does not include a suitably sized useable outside private amenity area which would be appropriate for a family sized dwelling. The scheme would therefore be harmful to the amenity of future occupiers, contrary to policy HO5 of the Brighton & Hove Local Plan.
- The proposal by virtue of its scale, bulk and massing in close proximity to the boundary with no. 42 Holmes Avenue would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden area of the northern neighbouring property in addition to resulting in actual and perceived overlooking and loss of privacy to the garden areas of the northern neighbouring properties located on Holmes Avenue. The proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposed dwellings would be constructed on existing undeveloped land and therefore should be constructed to meet Level 5 of the Code for Sustainable Homes. The applicant has failed to justify that Level 4 as proposed within the application should be accepted. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2019/01616 - Land to Rear of no.67 Cranmer Avenue** Erection of 1no two storey detached dwellinghouse (C3), associated landscaping. Approved
- 4.2. **BH2016/05223 - Land to Rear of nos.25 & 27 Holmes Avenue** Demolition of existing garage outbuildings and erection of 1no three bedroom detached house (C3). Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the erection of a two-storey detached dwellinghouse fronting Wayfield Avenue with associated landscaping.

6. REPRESENTATIONS

- 6.1. **Fourteen** (14) representations have been received, objecting to the proposal on the following grounds:

- The proposed development would cause harm to the amenities of local residents due to:
- Loss of outlook
- Loss of light
- Loss of privacy
- Disruption from the building work itself
- The proposed development constitutes overdevelopment
- There are too many new houses being built in the area
- The proposed dwellinghouse is not in keeping with the character of the area
- The proposed dwellinghouse is too tall
- The proposed development will increase parking stress.
- Lack of information about soil contamination
- The proposed development would detrimentally impact on local ecology

7. CONSULTATIONS

7.1. Arboriculture:

Comments regarding initial submission

An Arboriculture Impact Assessment is required due to the proximity of development with third party trees (within the curtilage of The Martlets). This needs to be acquired before permission is granted as there is no guarantee that the current scheme would have an acceptable impact on existing trees.

Comments regarding amended submission

- 7.2. The proposed cut back of the trees on the boundary of The Martlets is considered to be excessive beyond what would be considered acceptable under 'Common Law', this will have a detrimental impact upon these trees both structurally and physiologically. Consideration should be given to the removal of T1 - 3 with mitigation planting post-development, as the proposal currently stands it is considered that the impact upon third party trees is unacceptable.

7.3. County Ecology:

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions requiring the submission of a Biodiversity Method Statement and an Ecological Design Strategy.

7.4. Transport:

The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions regarding cycle parking provision and extending the vehicle crossover.

7.5. Urban Design:

Comments regarding initial submission

The form and scale of the proposed development still presents some concerns.

- 7.6. There is not enough space for vehicle parking while maintaining pedestrian access to the front door; there should be a minimum of 5.6m to be comfortable. The south wall should be pulled back to accommodate access. The east wall ground floor may be extended out if required to meet space standards. This would not have any adverse impact on neighbouring properties to the east.
- 7.7. The first floor massing against the northern site boundary appears overbearing to the neighbouring property. The north wall first floor should be pulled south 0.8m at minimum to generate a more comfortable relationship. This would reduce the proposed development to a two-bedroom house. Bedroom three would become the bathroom and a high-level window should be provided to avoid overlooking eastwards. The staircase would have to shift south (which would appear achievable at ground level).
- 7.8. The previous recommendation [at Pre-Application Advice stage] to flip the staircase to provide the ground floor WC with a west-facing window is reiterated.
- 7.9. Bin storage should be relocated to avoid conflict with cycle storage - it is suggested it be placed to the east of the site entrance.

8. MATERIAL CONSIDERATIONS

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

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing Delivery

CP7 Infrastructure and Developer Contributions

CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban Design
CP13 Public Streets and Spaces
CP14 Housing Density

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

TR7 Safe Development
TR14 Cycle access and parking
SU11 Polluted land and buildings
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19th 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) 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
DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM41 Polluted sites, hazardous substances & land stability
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future

residents; and the potential impacts on the amenities of local residents, and on highway safety.

Principle of Development

- 10.2. 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 24th March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. 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.
- 10.3. 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).
- 10.4. 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).
- 10.5. The creation of additional residential housing in this area of the city is considered acceptable in principle.
- 10.6. The application site has been subdivided from the main dwellinghouse (and associated garden) at no.40 Holmes Avenue for a significant period of time - Google Street View Images show dividing fencing in place as early as June 2016 - and it is considered that the site now forms a separate planning unit. The subdivision of the application site from no.40 Holmes Avenue proper is not under consideration as part of this assessment.
- 10.7. It has been raised in one or more representations that the current application is no different from the previous applications that were refused planning permission. One significant difference between the current proposal and previous attempts to develop the site is that the current proposal seeks permission for a single dwelling, whereas both refused applications were for two dwellings.
- 10.8. It should also be noted that since the decisions made by the LPA for both applications on this site there have been significant changes to local and national policy, including the adoption of the Brighton & Hove City Plan Part One and more recently the significant weight able to be afforded to policies in the emerging City Plan Part Two, which is now at an advanced stage of adoption. Nationally, the NPPF has undergone a revision in 2018 and was most recently updated in July 2021. More recent permissions granted in the area such as BH2019/01616 to the rear of no.67 Cranmer Street and BH2016/05223 to the rear of nos.25-27 Holmes Avenue are considered to hold weight in the consideration of the application. Both sites are within 100m of the current

application site and regard new dwellinghouses in the rear gardens of existing properties.

- 10.9. Policy CP14 is relevant given that the application site would represent an increase in density. The site itself is approximately 193m² (0.19ha), which is significantly smaller than most of the residential plots along Holmes Avenue. Policy CP14 states:
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. Development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:
- 1. Would be of a high standard of design and would help to maintain or create a coherent townscape;*
 - 2. Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;*
 - 3. Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;*
 - 4. Is easily accessible by sustainable transport or has the potential to be easily accessible;*
 - 5. Is well served by local services and community facilities; and*
 - 6. Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists.*
- 10.10. As abovementioned, this is the first application on this site for a single dwellinghouse and the previous refusal of permission for pairs of dwellinghouses does not rule out use of the land for residential development in principle.
- 10.11. It is considered that the proposed dwellinghouse would be of a high standard of design; whilst it would not emulate the design of any nearby dwellings it is considered that it would add visual interest to the streetscene and due to its size would appear as a secondary building, not competing with the larger semidetached properties on Holmes Avenue. This is considered to be an appropriate design strategy.
- 10.12. The Inspector for appeal APP/Q1445/W/15/3134707 on the site stated:
"The character of the immediate area falls into two fairly distinct types, with the appeal site forming the boundary between these two areas. One of these character areas is formed by the larger buildings along Wayfield Avenue which are all set in fairly generous grounds, albeit some of their settings are visually compromised by large expanses of car parking.
The other character area is formed by the semi-detached houses and gardens of Holmes Avenue. The layout of these houses has a strong uniform linear form with the road running north to south, houses all aligned on an east-west axis, all having generous long rear gardens with a strong well defined and uniform rear boundary on the west."
- 10.13. Given the above, it is considered that the proposed dwellinghouse would respect the character of the local streetscene.

- 10.14. Being a single dwellinghouse suitable for family accommodation, the proposed development would help the city to meet an identified housing need.
- 10.15. The site is in a sustainable location, very close to bus stops along Holmes Avenue, Nevill Avenue and Old Shoreham Road. Aldrington Railway Station is a short walk south of the site.
- 10.16. The site is proximal to many community facilities including (but not necessarily limited to) shops on Sackville Road and Hangleton Road, multiple schools and one or more nurseries in the vicinity, and a church and a community centre on Holmes Avenue; it is considered that the site is conveniently located in this regard.
- 10.17. The site would provide an adequate area of private outdoor amenity space for future residents.
- 10.18. For these reasons the proposed development is considered to meet the policy tests of CP14 and there is no objection to the principle of residential accommodation in this location.

Design and Appearance

- 10.19. As aforementioned, it is acknowledged that the proposed dwellinghouse does not seek to emulate any of the built forms seen elsewhere within the local area. Instead, it clearly seeks to appear as a unique independent building and a modern addition to the streetscene. Given that it sits on a boundary of sorts between two streetscenes (and their respective characters) there is no objection in principle to this approach.
- 10.20. The building appears as an interesting development with a modern design, but due to its smaller scale (compared to the closest houses on Holmes Avenue), it is not considered that it would appear over-dominant or cause any significant harm to the established pattern of development in the local area.
- 10.21. The building itself will be set back behind a substantial boundary wall, reducing the visual impact it has from the public highway. Concerns have been raised regarding the visual bulk of the building as viewed from residential properties over the north boundary; these are noted and it should be considered that the original design has been amended so that the proposed dwelling is set off the shared boundary, somewhat reducing the visual impact. It is also considered that the sloping green roof design will significantly soften the appearance of the building and it would not be an impact comparable with those considered unacceptable previously.
- 10.22. The proposed dwelling features a green roof that slopes down its north side. Truncated bays on its east and south sides will be finished in timber cladding. Dark brickwork is proposed for the ground floor south elevation, whilst other walls would be finished in painted render. The windows would have powder-coated aluminium frames.

- 10.23. It will be important to secure high-quality materials to ensure a satisfactory appearance to the building; such details will be secured by condition. Insufficient details have been submitted with regards to the sliding vehicle gate; these too shall be secured by condition.

Impact on Amenities

- 10.24. Concerns have been raised regarding the potential impacts of the development upon the amenities of local residents, in particular the impact from the building works themselves, and the potential loss of light, privacy and outlook. Each of these issues shall be addressed in turn.
- 10.25. The potential impact caused by the building works themselves is not a material planning consideration to be given any weight in the assessment of the acceptability of this proposal. Although some level of disruption is very likely, this would be in the short-term only and is not reason to withhold planning permission.
- 10.26. The proposed development is likely to lead to some level of overshadowing/loss of direct sunlight to the rear garden of no.42 Holmes Avenue which lies directly north of the application site. However, this is not considered to result in harm that would justify refusal of the application, as explained below:
- 10.27. The rear wall of the proposed dwelling is set approximately 0.75m off the shared boundary; it reaches to a height of approximately 2.8m before gently curving up to its maximum height of approximately 5.7m, which it reaches at a distance of approximately 3.3m from the shared boundary. The closest corner of the proposed dwellinghouse is approximately 17m away from the rear elevation of nos.40 and 42 Holmes Avenue. It is also approximately 6.1m away from the shared boundary with the rear garden of no.40.
- 10.28. This can be compared with the most recent refused application on the site (Ref: BH2015/01481), which sought permission for two semi-detached dwellings. These featured rear gable ends that resulted in the maximum height of approximately 6.5m being sited approximately 1.2m away from the boundary. Although the distance from the boundary is slightly greater than the current proposal (a difference of 0.45m), the overall height and profile was significantly greater; it is considered it would have led to an oppressive and overbearing impact on neighbouring residents. The refused scheme was also closer to the rear elevations of nos.40 and 42, with a distance of 14.2m (a difference of 2.8m).
- 10.29. Whilst the proposed development is likely to lead to some loss of direct sunlight to the rear gardens of nos.40 and 42, it is not considered that this would be to a degree that would be significantly harmful in this instance. In order to be in accordance with Building Research Establishment (BRE) guidance, at least half of each garden would be required to receive at least two hours of sunlight. The rear garden of no.40 is unlikely to be impacted upon except in the late afternoon/early evening, as it lies directly east of the proposed dwellinghouse. The garden of no.42 is likely to receive some overshadowing at its west end from late morning to early afternoon, then the shadow of the new dwelling is likely to impact more upon the east end of the garden. It is considered that in principle

the proposed development is unlikely to have a significant detrimental impact on the level of sunlight received by either of these neighbouring gardens. The dwelling, as mentioned, is approximately 17m from the rear elevation of no.42, reducing the likely harm caused to the west end of the garden. There is also a goat willow tree along the shared boundary which already contributes to shading of this part of the garden, reducing the actual additional impact the proposed dwelling is likely to cause. This tree is marked for retention and shall be subject to tree protection measures during development.

- 10.30. The proposed development is considered to be acceptable in principle in terms of the impact it is likely to have on the privacy of neighbouring residents. The two north-facing rooflights, and the east-facing window servicing bedroom 2 will be subjected to a condition requiring they be fitted with obscure glazing and be fixed shut to an internal height of at least 1.7m in the interest of preventing harmful overlooking of neighbouring gardens.
- 10.31. A condition will also be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would be likely to cause a harmful sense of overlooking for neighbours in adjacent properties.
- 10.32. With regards to considerations of outlook, it should be noted that the proposed dwellinghouse is at least 17m away from the closest windows (on nos.40 and 42 Holmes Avenue) and it is not considered likely that any significant loss of outlook would occur.

Standard of Accommodation

- 10.33. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton & Hove City Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.
- 10.34. The new residential unit would provide a gross internal area (GIA) of approximately 103.6m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 10.35. The proposed dwelling is laid out as a two-storey, three-bedroom, five bed-space unit. The NDSS requires such a unit to provide a minimum of 93m², which has been achieved. Moreover, eaves storage is provided at first floor level; every room benefits from natural light; and the living room and two main bedrooms both benefit from dual aspect. Overall, the proposed layout is considered to be good and is welcomed.
- 10.36. The proposed garden space is approximately 86m²; this includes a lawned area and a patio of a size acceptable for a small dwelling such as this. A full

landscaping plan will be secured by condition to ensure an appropriate layout that would provide acceptable and usable amenity space for future residents.

- 10.37. The proposed dwelling shall also be subject to a condition requiring it be built in accordance with Building Regulations Optional Requirement M4(2) to ensure it is accessible for wheelchair users.

Impact on trees:

- 10.38. The Arboricultural team has raised concerns regarding the impact the proposed development will have on three trees located in the neighbouring site to the west given the close proximity of the proposed development to the western boundary. The works that would be required to accommodate the development would be significant enough to result in irreparable damage to the trees and their potential loss. The removal of the trees outside the application site would require consent from the neighbouring landowner.
- 10.39. Consideration was given to secure amendments that would reposition the proposed dwelling away from the western boundary. However, this would likely result in a detrimental impact on neighbouring amenity as the dwelling would be positioned more closely to neighbouring dwellings.
- 10.40. Whilst it is regrettable that three trees would be potentially lost as a result of the development, none of the trees are considered to be of a value worthy of a Tree Preservation Order. The Arboricultural report submitted with the application advises that two of the trees have a low landscape value (Category U) and one tree, a Swedish Whitebeam is considered to be a category B tree of moderate landscape value. Given this, it is considered necessary to condition a replacement tree to compensate the potential loss of the trees. It would not be reasonable to condition replacements that are outside the application site as this would be out of the control of the applicant, therefore the tree would need to be provided in the application site.
- 10.41. Whilst the potential loss of trees is regrettable and weighs against the scheme, the impact can partly be mitigated by the replacement of another tree, which is conditioned.

Biodiversity & Sustainability:

- 10.42. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded pair of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 10.43. Concerns have been raised that the proposed development would cause harm to local biodiversity including slowworms that have been evidenced on or around the site. It is considered necessary that the presence of protected species be investigated further, and a method statement for the protection of reptiles be submitted to and approved in writing by the LPA prior to the commencement of development. A further condition shall be included to secure an Ecological

Design Strategy with the aim of improving the biodiversity of the site. Further details of the proposed green roof shall also be necessary in the interest of securing the maximum biodiversity gains.

- 10.44. The new dwellinghouse shall be subject to a condition requiring it to be in accordance with the Council's sustainability targets with regards to water consumption.

Impact on the Public Highway

- 10.45. The proposed development includes a driveway/hardstanding large enough for a single car, and cycle parking provision for two bicycles; this is considered acceptable and in accordance with the guidance in Supplementary Planning Document SPD14: Parking Standards. On-street parking is currently unrestricted in the area, and it is reported that there is parking stress in the area. Considering the scale of the development - a single family dwelling - and the fact on-site parking is included, it is not considered likely that the proposed development would lead to any significant amount of overspill parking.
- 10.46. Planning conditions are required necessary to secure details of the cycle parking and its installation prior to occupation in order to encourage trips to and from the site by sustainable means.

Other Considerations

- 10.47. Concerns have been raised that the application does not include details of a soil contamination investigation. It should be noted that this would not typically be requested for an application of this scale, and this has not been weighed against the applicant. Given the recent use of the site as a storage area and use as a residential garage there is the potential of land contamination. The potential harm can be mitigated through the inclusion of a condition requiring works to cease, and for further information to be submitted in the event unidentified contamination is found during development.
- 10.48. A condition shall be included requiring a storage area for refuse and recycling bins.
- 10.49. It is considered necessary to remove some permitted development rights for the new dwellinghouse in the interest of visual amenity and appearance, safeguarding the amenities of local residents, and securing soft landscaping retention.

Conclusion

- 10.50. The principle of development of a single dwellinghouse is considered to be acceptable. The design of the new dwellinghouse is considered to be suitable in terms of appearance, the standard of accommodation it would offer to future residents, and the impact it is likely to have on the amenities of local residents. Planning conditions shall be included in the interests of visual and residential amenity, highway safety, sustainability, biodiversity and ecology. For the foregoing reasons the proposal is considered to be in accordance with policies TR7, TR14, SU11, QD5, QD14, QD15, QD16, QD18, QD27, HO5 and HO13 of

the Brighton and Hove Local Plan; and SA6, CP1, CP7, CP8, CP9, CP10, CP11, CP12, CP13 and CP14 of the City Plan Part One.

- 10.51. It is also considered that the proposal would be in accordance with policies DM1, DM18, DM20, DM21, DM22, DM33, DM36, DM37, DM41 and DM43 of the Proposed Submission City Plan Part Two which is gathering weight. These policies are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

11. EQUALITIES

- 11.1. The proposed dwellinghouse will be required by condition to be built in accordance with Building Regulations M4(2), which will result in it being accessible for wheelchair-users.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £15,506.59. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

13. CLIMATE CHANGE/BIODIVERSITY

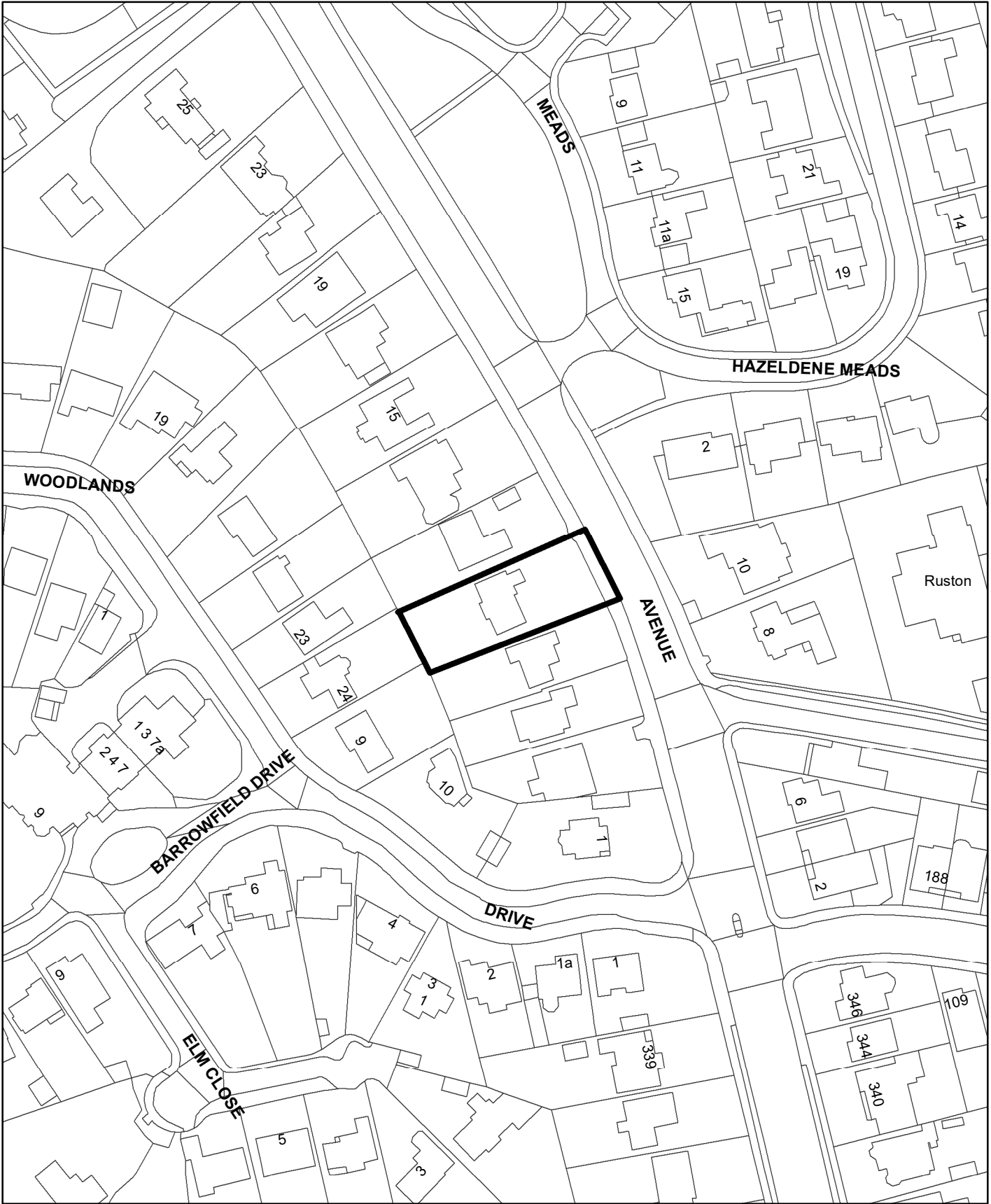
- 13.1. Biodiversity improvements including bee and swift bricks, and a diverse green roof shall be secured by condition within the approved development. Ecological strategies will be secured by condition to safeguard protected species and habitats that have been reported on the site. Landscaping will be secured by condition to mitigate the likely loss of trees adjacent to the site. The development is making use of an existing brownfield site to provide an additional dwelling, reducing the pressure of development upon greenfield land. The site is easily accessible by public transport reducing the reliance on private motor vehicles. Building Regulations will secure higher sustainability standards reducing the carbon cost of keeping the dwelling heated and will secure the installation of an electric car charging point on site. Cycle parking will also be secured by condition, further reducing the reliance on car travel.

ITEM L

**9 Dyke Road Avenue
BH2022/01786
Householder Planning Consent**

DATE OF COMMITTEE: 5th October 2022

BH2022/01786 9 Dyke Road Avenue



Scale: 1:1,250

<u>No:</u>	BH2022/01786	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	9 Dyke Road Avenue Hove BN3 6QA		
<u>Proposal:</u>	Erection of two-storey front and rear extensions and single-storey side extension, with associated alterations.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	05.07.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.08.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Alan Wood 75 Westbourne Street Hove BN3 5PF		
<u>Applicant:</u>	Mr Paul Russell 9 Dyke Road Avenue Hove BN3 6QA		

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	3	-	22 August 2022
Proposed Drawing	4	A	22 August 2022
Block Plan	-	-	6 July 2022
Location Plan	-	-	5 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. The relevant external finishes of the development hereby permitted shall be as follows:

- Brickwork to match the appearance of that found on the existing building.
- Roof tiles to match the appearance of those found on the existing building.

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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the following 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.

- a) Windows
- b) Doors (including front door, garage door and bi-folding doors)
- c) Decorated render
- d) Terrace balustrade

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan; CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the emerging Brighton & Hove City Plan Part Two.

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

- The window servicing the bathroom on the north side elevation.
- The window servicing the shower room on the north side elevation.
- The window servicing the walk-in wardrobe on the south side elevation
- The window servicing the shower room on the south side elevation.

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

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

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

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

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; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; DM22 of the emerging Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

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

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

9. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11: Nature Conservation and Development.

Informatives:

10. 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.
11. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 5.
12. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
13. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION

- 2.1. The application site is a two-storey detached dwellinghouse on the west side of Dyke Road Avenue. There is a mature beech tree at the front of the site near the southeast corner that is the subject of a Tree Protection Order.

3. RELEVANT HISTORY

- 3.1. **BH2001/00609/FP** Erection of two-storey pitched roof front extension. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to remodel the existing dwelling with two-storey front and rear extensions, and a wrap-around single-storey front/side/rear extension.
- 4.2. The proposed development originally also included plans to alter the front driveway to create a second vehicle entrance and erect a large front boundary wall. These aspects of the scheme have been removed during the consideration of the application due to the likely harm caused to the abovementioned TPO

beech tree. There were also plans to create a swimming pool in the rear garden; this too has been removed from the schedule of proposed works.

- 4.3. Following objection to the initial scheme, the single-storey side extension has been amended to reduce its eaves height.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:

- Detrimental impact on residential amenities by reason of:
- Loss of privacy
- Noise nuisance
- Loss of sunlight
- Overbearing
- Inaccuracies on the submitted documents/drawings
- Lack of information regarding highway safety
- The proposed development extends beyond the front and rear building lines
- The proposed development is overdevelopment
- Loss of trees within or adjacent to the site
- Structural damage to one or more neighbouring properties
- Incorporation of a neighbouring wall into the party wall

- 5.2. **Councillors Bagaeen and Brown** have submitted representations, objecting to the proposed development. A copy of Councillor Brown's representation is attached to this report.

- 5.3. **Two (2)** representations have been received, making the following comments on the proposal:

- Several pages on the Planning Register were not properly visible*
- Clarification is sought why the application was not discussed at the August Committee.**

It should be noted that all representations received were prior to the most up-to-date set of drawings so do not take into account the changes made to the application including the reduction in scale of the side extension and the removal of the enlarged hardstanding, and installation of additional vehicle entrance and swimming pool.

**The Planning Register has been checked and the submitted documents are fully visible.*

*** The application has had amended plans received during the consideration of the application. The application was not ready to be presented to August Planning Committee.*

6. CONSULTATIONS

6.1. Arboriculture:

The protected beech tree at the front of the site is not identified on any of the plans - removal would not be supported. In the event planning permission is granted, tree protection measures should be submitted and approved prior to commencement.

6.2. Transport: Objection

The proposed new perimeter wall and gates exceeds 0.6 metres in height. A visibility splay must be clear of obstructions (gates/walls) over 0.6 metres, to allow for adequate visibility of pedestrians on Dyke Road Avenue, in the interests of pedestrian/cycle safety. The applicant is requested to provide a visibility splay drawing in order to demonstrate adequate visibility can be achieved from the vehicular accesses or amend the proposed perimeter wall to facilitate adequate visibility. Whilst the proposed new vehicle crossover is situated at least five metres from the existing crossover, which is welcomed, the implementation of the new crossover would result in the removal of an existing tree. The arboricultural team should be consulted on any crossover amendments or proposals that are situated within one metre of a tree.

It should be noted that the Highway Authority comments were received prior to the changes to the application removing any works to the front hardstanding and the intention to create a second vehicle entrance.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable Transport
CP10 Biodiversity
CP12 Urban Design

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

TR7 Safe Development
QD5 Design - street frontages
QD14 Extensions and alterations
QD16 Trees and hedgerows
QD27 Protection of amenity

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19th 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.

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

Supplementary Planning Documents:

SDD11 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 design and appearance of the proposed development; and the potential impacts on the amenities of local residents.

Design and Appearance

- 9.2. The proposed development is considered to be acceptable in terms of appearance. Dyke Road Avenue is characterised primarily by large detached dwellinghouses within spacious plots; over the years many of the buildings have been subject to alterations introducing more contemporary design features such as rendered walls or large feature windows. Whilst it is regrettable to lose the style of the existing house and it is acknowledged that the application property would undergo a dramatic change in style, it is not considered that any detrimental impact would be had upon its own character or that of the wider Dyke Road Avenue streetscene that would justify refusal of the application.

- 9.3. The proposed front extension would bring the building line forward, but this would still be in line with both neighbouring properties at two-storey level and would not be further forward than the existing two storey element that was granted and constructed previously. The garage extension (single-storey in height) would project slightly further forward but this is not considered to be to the detriment of the local character. The immediate streetscene is on a gentle curve and the building line is fairly uneven; it is not considered that a strong building line is contributory to the local character of the built environment.
- 9.4. The proposed design has been slightly amended during the lifetime of the application; the single-storey side extension has had the original flat roof design replaced with a pitched roof, except for the garage element which would still be flat roof.
- 9.5. The proposed development represents a significant enlargement in the scale of the building, but it is considered that it maintains an appropriate appearance within the streetscene and within its own plot and for this reason is not considered to represent an overdevelopment of the site.
- 9.6. The proposed external materials include brickwork and roof tiles that are described as matching those existing on site; this is considered appropriate. Other materials shall be secured by condition in the interests of maintaining the visual amenity of the area.

Impact on Amenities

- 9.7. Concerns have been raised that the proposed development will lead to harm to the amenities of neighbouring residents due to a loss of light and privacy, by creating a noise nuisance, and by appearing overbearing. Each of these aspects will be addressed in turn.
- 9.8. With regards to the loss of light, during the morning hours the proposed rear extension is likely to lead to some loss of direct light to the back garden of no.11 Dyke Road Avenue and this harm is noted; however, from midday onward the impact on the rear garden of no.11 is likely to be much reduced. The most valuable afternoon and early evening sunlight are likely to be affected only to a limited extent. Whilst it is acknowledged there would be some impact, this is not considered sufficient to justify refusal of the application and on balance the impact is considered to be acceptable.
- 9.9. With regards to the loss of privacy this appears to concern the rear-facing windows and balcony. These face out over the rear garden of the application site, whilst projecting deeper into the rear garden the relationship between proposed windows and those properties either side of the application site are unlikely to be dissimilar to the existing relationship. The terrace area is flanked by the built form on either side by the extensions and is unlikely to result in additional overlooking that would warrant refusal of the application. The distance between the proposed rear windows and the rear boundary line is approximately 14m. Directly to the rear of the application site is no.24 Woodlands; the distance between the two properties is approximately 30m. Both properties (and those within the wider area) feature deep rear gardens with trees and other vegetation

separating them; it is considered that the proposed development would not have any significant impact on the level of privacy enjoyed by residents of no.24 Woodlands and their immediate neighbours. It is considered that the significant distance between the proposed development and sensitive windows on neighbouring buildings, coupled with existing boundary treatments, will greatly mitigate the potential harm caused to privacy and the resultant impact is considered acceptable. It has been noted that the application site sits on slightly higher ground than properties to its rear and this has been taken into account.

- 9.10. There are several new side windows proposed within the existing body of the building; these will all be subject to a condition requiring that they be fitted with obscure glazing and be fixed shut to an internal height of no less than 1.7m.
- 9.11. A condition will be attached restricting access to the flat roof above the garage for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in the adjacent property.
- 9.12. The proposed enlargement of the building may lead to a larger number of persons residing within it, but this is not considered likely to create a noise output outside of what one should reasonably expect from a residential house. The swimming pool in the rear garden, which was specified as a reason for concern from local residents, has been removed from the schedule of proposed works, though it should be noted that the creation of a swimming pool can be 'permitted development' under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposed plant room may house equipment that emits some noise; however, this may also not require planning permission subject to a number of criterion.
- 9.13. Regarding concerns that the proposed development may appear overbearing, it is noted that the proposed development leads the dwelling to be further behind the building line or either of the neighbouring properties. A gap is maintained between the application site and no.11; it is considered that the impact upon residents of this property will be acceptable. The single-storey extension abuts the shared boundary with no.7 and as aforementioned this has been amended during the lifetime of the application. The eaves have been lowered and the roof now slopes away from the shared boundary, significantly reducing the impact. On balance and noting the size of the rear gardens of these properties, it is considered that impact on residents of no.7 would also be acceptable, and the single-storey extension is unlikely to lead to any significant sense of enclosure or appear overbearing that would justify refusal of the application.

Impact on the Public Highway

- 9.14. The proposed development has been amended during the lifetime of the application, removing all the works to the front garden and driveway. These were considered to be unacceptable due to requiring the likely removal of a protected tree and resulting in unsafe highway conditions. The amendments to the scheme (removing these works from the schedule of development) have overcome the concerns.

- 9.15. The proposed development could lead to a greater number of persons living in the property and lead to a small increase in trip generation, but this is not considered likely to have any significant impact on the public highway; there are no concerns in this regard.

Other Considerations

- 9.16. It has been noted that the North Marker on the Proposed Block Plan is incorreccted oriented; this has not impacted upon the Local Planning Authority's ability to assess the proposed development and need not be given any weight in the assessment.
- 9.17. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded pair of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.18. As aforementioned, the site is home to a TPO tree within the front garden. There is a second large tree on the site in the northwest corner. Neither of these trees would be displaced by the development but could be put at risk during the construction process. A tree protection plan and arboricultural method statement designed to ensure the health of these trees will be secured by condition in the interest of visual amenity and site biodiversity.
- 9.19. Concerns have been raised that the proposed development may cause damage to one or more buildings in neighbouring properties; this is not a planning matter and need not be given any weight in this assessment. The proposed development would need to be carried out in accordance with Building Regulations.
- 9.20. Concerns have also been raised that the existing boundary wall should not be used as a party wall. Such matters are also outside the remit of planning.

Conclusion

- 9.21. The proposed development is considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents. External materials, tree protection measures, biodiversity improvements and limiting access to the flat roof for amenity purposes shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies QD5, QD14, QD16 and QD27 of the Brighton and Hove Local Plan; and CP9, CP10 and CP12 of the City Plan Part One.
- 9.22. It is also considered that the proposal would be in accordance with policies DM18, DM20, DM21 and DM22 of the Proposed Submission City Plan Part Two which is gathering weight. Policy DM22 is considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

10. EQUALITIES

None

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. Biodiversity improvements including bee and swift bricks shall be secured by condition within the approved development. Tree protection measures shall also be secured by condition to safeguard the biodiversity of the site.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Vanessa Brown

BH2022/01786 – 9 Dyke Road Avenue

23rd July 2022:

As one of the Ward Councillors I am writing to object to the above application. This is an overdevelopment of the site. The rear extension will be beyond the rear wall of No. 11 Dyke Road Avenue causing a loss of privacy and overshadowing. There are windows at the ground floor and first floor level that will overlook the garden of No. 11. There is a first floor balcony with access from all three bedrooms causing a further loss of privacy. The proposed front wall of the garage is in front of the building line.

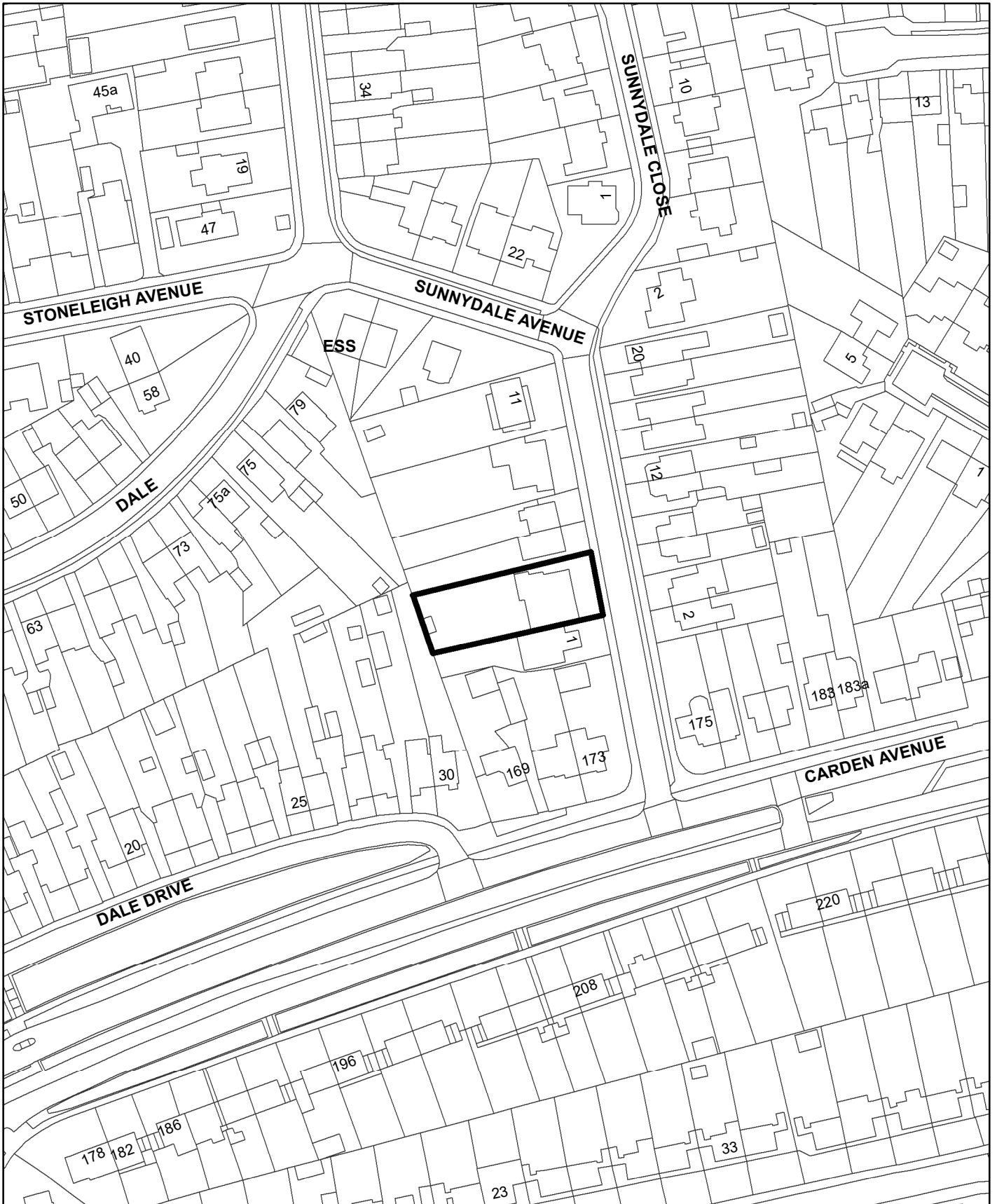
If this application is recommended to be passed I would request that it goes before the Planning Committee.

ITEM M

**3 Sunnydale Avenue
BH2022/01927
Full Planning**

DATE OF COMMITTEE: 5th October 2022

BH2022/01927 3 Sunnydale Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2022/01927	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Sunnysdale Avenue Brighton BN1 8NR		
<u>Proposal:</u>	Change of use from indoor swimming pool ancillary to residential dwelling to indoor swimming pool in mixed commercial and residential use (Sui Generis).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	24.06.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.08.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mrs Jo Harvey 3 Sunnysdale Avenue Brighton BN1 8NR		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reason:
- 1.2. The commercial use of the swimming pool, the frequency and intensity of which could not be controlled through planning conditions, has the potential to significantly alter the residential character of the area, in addition to significantly increasing on-site activity and comings and goings to the detriment of the amenity of nearby residents. The application furthermore has failed to demonstrate that there would not be a significant increase in trip generation and overspill car parking demand as a result of the commercial use of the pool. The application is therefore contrary to policies QD27 and TR7 of the Brighton and Hove Local Plan, policy CP9 of the Brighton and Hove City Plan Part One and policy DM20 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2018/HAR/01	A	14 June 2022
Location Plan			14 June 2022

2. SITE LOCATION

- 2.1. The application relates to a single-storey residential dwelling (C3) on the western side of Sunnydale Avenue. The site includes an indoor swimming pool ancillary to the main dwelling within a single-storey outbuilding within the rear garden of the property.
- 2.2. It is noted that the outbuilding as-built is larger and of a different internal layout than was shown on the approved drawings under planning permission (BH2018/02661).

3. RELEVANT HISTORY

- 3.1. **BH2018/02661** - Erection of a single storey outbuilding to accommodate swimming pool Approved

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks planning permission for a change of use of the rear indoor swimming pool from being ancillary to the residential dwelling to a mixed residential and commercial use. The application is retrospective as commercial use of the pool is already taking place.

5. REPRESENTATIONS

- 5.1. **Three (3)** letters of objection have been received raising the following points:
 - Additional traffic associated with the commercial use of the pool unable to be controlled through planning conditions
 - Inconsiderate parking from customers
 - There are other pools in Brighton & Hove suitable for SEN children
 - Commercial use of the pool has changed the character of the area
- 5.2. **Eleven (11)** letters of support have been received raising the following points:
 - Valuable local amenity to provide swimming lessons
 - The pool is suitable for SEN lessons whereas larger pools are not
 - The pool is safe and clean
 - Customers are advised to park considerately and be aware of neighbours

6. CONSULTATIONS

- 6.1. **Environment Agency:** No comment received
- 6.2. **Sustainable Transport:** Objection
The absence of trip generation/traffic generation and parking survey and accumulation data and assessments in support of this planning application means the LHA is unable to fully assess the impact of the development proposal

from a transport and highways perspective, particularly in relation to the potential vehicle trip generation and subsequent on-street overspill parking demand, which is expected to affect the site's surrounding residential streets.

- 6.3. The LHA requests that a Transport Statement is submitted prior to determination. The Transport Statement should set out the site's existing residential trip generation, the proposed residential and commercial use multi-modal trip generation, the net increase in trips forecast, the site's hours of operation, timetable information, the expected on-street overspill parking demand expected to occur and demonstration that the site's parking demand can be accommodated in the surrounding street network without impacting on-street capacity or existing residential parking amenity.
- 6.4. The applicant is advised to consider commissioning a parking beat survey (in line with the Lambeth Methodology) to demonstrate there is enough residual capacity in the streets within proximity of the site to accommodate the forecast additional parking demand generated by the commercial use. The parking beat survey data, parking accumulation calculation and trip generation should be included in the Transport Statement requested by the LHA.
- 6.5. Notwithstanding this objection, if planning permission is granted, conditions should be attached to secure details of cycle parking for visitors, blue badge parking and a Travel Plan.
- 6.6. **Southern Water:**
The application contains a proposal for a swimming pool for commercial/public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.
- 6.7. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
- 6.8. **Sports Facilities:** No comment received

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)

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

7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP17	Sports Provision

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

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

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

The Inspector published her Final Report into the Examination of the City Plan Part Two on 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.

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

Supplementary Planning Documents:

SPD14	Parking Standards
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9. **CONSIDERATIONS & ASSESSMENT**

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

Principle of Development:

- 9.2. The proposal is for a change of use of the existing domestic indoor swimming pool within the rear garden of the site, to allow for a mixed commercial and ancillary residential use of the pool.
- 9.3. Sunnydale Avenue is wholly residential in character, and it is considered that the introduction of commercial use of the swimming pool has the potential to result in an unwelcome and inappropriate material change to this character, to the detriment of the local neighbourhood.
- 9.4. Paragraph 55 of the NPPF states that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions".
- 9.5. Matters such as the frequency and intensity of the commercial use could, at least in theory, be limited to an acceptable level through the use of planning conditions. For example, the hours during which commercial activity could take place and the maximum number of people on site during the periods of commercial activity could be restricted by conditions.
- 9.6. However, planning conditions must comply with each of the six tests set out in national planning guidance (NPPF para. 55 and PPG ref: 21a-003-20190723).
- 9.7. Of key importance are tests 4 (which requires planning conditions to be 'enforceable') and 6 (which requires planning conditions to be reasonable in all other respects). It is considered that, in a case such as this where a pool is proposed to be in mixed residential and commercial use, in practice it would not be possible to reliably distinguish between commercial use of the pool and ancillary residential use (upon which it would not be reasonable to place the same limits as the commercial use). Such conditions would therefore not be enforceable, and moreover a blanket limitation on the use of the pool to restrict both residential and commercial activity would not be reasonable.
- 9.8. As a result, it is considered that conditions cannot be attached to limit matters such as the hours of operation or maximum occupancy of the commercial use of the pool. Without these conditions, recommending approval would be akin to granting planning permission for unfettered commercial activity of the pool, and it is considered that this would have the potential to result in a significant harmful change in the character of the area, as well as a harmful impact upon the amenity of neighbours and the local highways network as set out in subsequent sections of this report.
- 9.9. The benefits of the proposals are acknowledged, including the provision of a suitable facility for those with Special Educational Needs (SEN) to learn to swim. The availability of the pool to wider public use would also go some way towards furthering the aims of policy CP17 of the City Plan Part One (to increase

participation in sports and physical activity) by extending the swimming facilities open to members of the public that are available in the city. The stated intentions of the applicant with regard to the timings of lessons and number of users is also recognised, however as set out above were the application to be approved there would be no instrument by which to ensure that the commercial use of the pool does not exceed this in the future and this cannot therefore be given more than very limited weight in the planning balance.

- 9.10. It is considered that these benefits do not outweigh the harm identified above, and it is therefore considered that the proposed change of use cannot be supported in principle.

Impact on Amenity:

- 9.11. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 (which can be given more weight than QD27) states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.12. Use of the pool itself is considered unlikely to result in harmful levels of noise disturbance for neighbours, given that the pool is located indoors.
- 9.13. Concern is however held regarding the potential for comings and goings associated with the commercial use of the pool to result in a significant increase in activity on site, including movements from the highway to the rear garden which would likely utilise the side passage in proximity to the northern boundary. As set out previously, conditions cannot be attached to mitigate for these concerns.

Sustainable Transport:

- 9.14. As identified previously, the site is located on a residential street, and is not within a Controlled Parking Zone.
- 9.15. Concern is held that the commercial use of the pool has the potential to significantly increase trips to and from the site and associated traffic numbers. The inability to control the commercial use through planning conditions compounds this concern.
- 9.16. The site contains limited on-site car parking, and it is noted that public representations have raised concerns regarding the number of additional vehicles parked on the road associated with the commercial use of the pool.
- 9.17. The application does not include any reports (such as a Transport Statement and parking beat survey) to attempt to quantify the vehicle trip generation and subsequent on-street overspill parking demand that the development would cause, and whether there is capacity on-street for this. It should, in any case, be noted that such quantification would not be reliable moving forwards, given that the frequency and intensity of the commercial use (and hence its generated trips) would not be able to be controlled by planning conditions.

- 9.18. Accordingly, Officers share the view of Highways that the development has failed to demonstrate that there is currently no unacceptable impact in highways terms, and furthermore that were the application to be approved it is considered that the development has the potential to result in a significant further impact upon local parking availability due to increased vehicular trips associated with the commercial use of the pool.

Conclusion:

- 9.19. It is considered that the proposed change of use cannot be supported in principle, as the extent of the commercial use could not be satisfactorily controlled by condition and unrestricted commercial use of the pool would result in a detrimental change to the character of the area and a harmful impact upon neighbouring amenity. Furthermore, it has not been demonstrated that there would not be a harmful impact upon the availability of car parking in the local area.

10. EQUALITIES

- 10.1. The swimming pool provides a facility for swimming lessons, including for those with SEN or other needs for whom a public pool may not be suitable. It is however understood that the swimming pool is not wheelchair accessible.

11. CLIMATE CHANGE/BIODIVERSITY

No issues identified.

ITEM N

**Parkside Mansions, 34 Preston Park Avenue
BH2022/00026
Removal or Variation of Condition**

DATE OF COMMITTEE: 5th October 2022

BH2022 00026 - Parkside Mansions, 34 Preston Park Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2022/00026	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Parkside Mansions 34 Preston Park Avenue Brighton BN1 6HG		
<u>Proposal:</u>	Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (retrospective) to address non-compliance with the plans approved in relation to planning permission BH2019/0200, with amendments to the parking allocation and to the red line boundary.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	05.01.2022
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	02.03.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.07.2022
<u>Agent:</u>	Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Mr D Frizzell 85 Church Road Hove BN3 2BB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	D.001	E	17 May 2022
Proposed Drawing	D.002	A	15 January 2020
Proposed Drawing	AA.010		15 May 2020
Other	Materials Details		15 May 2020
Other	Email agent re dormer cheeks materials		2 June 2020

2. Not used.

3. 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 and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

4. No enclosures shall be erected within the site, around the rear patio areas as proposed or elsewhere, except in accordance with details which have been submitted to and approved by the Local Planning Authority.
Reason: In the interests of the amenities of occupiers whose habitable areas may adjoin such enclosures and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and Policies DM20 and DM21 of the Submission City Plan Part 2.
5. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6. The ground floor windows in the northern elevation of the property and the ground floor windows in the southern elevation of the rear extension of the development hereby permitted, shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and Policies DM20 and DM21 of the Submission City Plan Part 2.
7. Development shall be carried out and maintained in accordance with the samples of materials, details and plans with regards to the rear extension, patios, and dormer windows, as approved under application BH2020/01330.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21 and DM26 of the Proposed Submission Brighton & Hove City Plan Part Two.
8. Within two (2) months of the date of this permission, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use within two (2) months of the details being approved and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR14 of the Brighton & Hove Local Plan and DM36 of the Proposed Submission Brighton & Hove City Plan Part Two, and SPD14 Parking Standards.
9. The refuse and recycling storage facilities indicated on the approved plans shall be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan,

Policy DM21 of the Submission City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

10. Not used

11. Within two (2) months of the date of this permission, a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area shall be submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:

- Details of how the car parking space will be allocated and managed;
- Details of measures to ensure that the car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

The above works must be implemented prior within two (2) months of the details being approved and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan, CP9 of the City Plan Part One, DM33 and DM36 of the Submission Brighton & Hove City Plan Part Two, 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application property is a large detached Victorian property with two front gables, on the east side of Preston Park Avenue, overlooking Preston Park. The existing property (previously a care home) is in use as six residential flats. The original plot has been sub-divided and the rear garden now contains two recently constructed single dwellinghouses.
- 2.2. The site is within the Preston Park Conservation Area and overlooks Preston Park which is a grade II registered park and garden.

3. RELEVANT HISTORY

- 3.1. **BH2021/03695** Application to vary condition 3 of planning permission BH2019/02007 to amend the wording of the condition to read as follows: The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles and shall be maintained so as to ensure their availability for such use at all times. Refused 13.12.2021 for the following reasons:

1. *The variation proposed to condition 3 of BH2019/02007 would result in the development failing to provide adequate parking provision on the application site, resulting in overspill parking and impacts on highway capacity, contrary to policy CP9 of Brighton & Hove City Plan Part One and SPD14: Parking Standards.*
 2. *The proposed variation to condition 3 of BH2019/02007 would fail to be necessary or relevant to the development permitted, by virtue of allowing use of the parking area for third parties, that are not occupants or visitors to dwellings within the site boundary, and would thereby be contrary to paragraph 56 of the National Planning Policy Framework.*
 3. *The proposed variation to condition 3 of BH2019/02007 would result in a change of use of the land in use as parking spaces to that of commercial parking, contrary to Policies CP9 of Brighton & Hove City Plan Part One, Policy QD27 of the Brighton & Hove Local Plan, and Policy DM20 of City Plan Part Two.*
- 3.2. **BH2021/03045** Application for variation of condition 3 of application BH2019/02007 (Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective)) to state: The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved, or occupants of and visitors to the development hereby approved under BH2020/01832 and shall be maintained so as to ensure their availability for such use at all times. Refused 12.10.2021.
- 3.3. **BH2021/02150** Application for variation of condition 1 of BH2019/02007 (Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective).) to allow amendments to the approved drawings to provide additional car parking space. Refused 04.08.2021.
- 3.4. **BH2020/01330** Application for Approval of Details reserved by Condition 7 (Materials and Window Details) of application BH2019/02007. Approved 08.06.2020
- 3.5. **BH2019/02007** Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective). Approved 27.02.2020.

There is an open Planning Enforcement Case:

- 3.6. **ENF2020/00472** Breach of conditions 3 (car parking), 8 (cycle parking) and 9 (refuse and recycling) of BH2019/02007. BCN served re condition 3 on 19/4/22.
- 3.7. With regard to the two dwellinghouses to the rear of the site, the following permissions are relevant:

- 3.8. **BH2022/00027** Application to vary condition 1 of planning permission BH2020/01832 to allow amendments to approved drawings. Under consideration.
- 3.9. **BH2021/02436** Application for approval of details reserved by condition 11 (external surfaces materials) of application BH2020/01832. Approved 25.07.2021.
- 3.10. **BH2020/03352** Application for approval of details reserved by conditions 11 (material samples) and 12 (landscaping) of BH2020/01832. Approved 27.01.2021.
- 3.11. **BH2020/01832** Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping. Approved 4.9.2020

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission under Section 73a of The Town and Country Planning Act to vary condition 1 of planning permission BH2019/02007 to allow amendments to the approved drawings to amend the red boundary line and parking allocation.
- 4.2. Planning permission (BH2019/02007) was secured in 2020 for conversion of the residential care home (C2) to 5no two bedroom and 1no one-bedroom flats (C3). The development has been undertaken and is occupied.
- 4.3. There are 3no. existing vehicular parking spaces to the front forecourt which are approved for the use of the flats.
- 4.4. This application seeks to amend the red boundary line on the plans so that only 1no. parking space would be retained for the flats.
- 4.5. A concurrent application (BH2022/00027) is being considered which proposes to alter the red boundary line on the plans so that the two dwellinghouses to the rear of the site would have use of the other 2no. parking spaces
- 4.6. It should be noted that previous applications designed to achieve the above have been refused by virtue of various planning technicalities relating to sub-division of the site. The amendment to the red boundary line proposes to overcome the reasons for refusal.
- 4.7. Amended plans have been received during the life of the application which further amend the red line and retains the area allocated for the cycle storage to the side boundary, the Local Planning Authority re-consulted on this amendment. Additionally, Notice has been served on relevant properties since submission of the application to address issues raised in objections received.

5. REPRESENTATIONS

- 5.1. **Eight (8)** letters have been received objecting to the proposed development for the following reasons:
- Loss of residential amenity
 - Deny parking to residents and visitors of development
 - Loss of cycle storage
 - Poor access and insufficient space/ highway safety
 - Commercial use of parking area
 - Neighbouring development to the rear should be 'car free'
 - Developer has sold parking space to rear house
 - False ownership declaration
 - Planning breaches
- 5.2. Following re-consultation on the 20/05/2022 regarding amended plans received **five (5)** further representations have been received. No further grounds of objection were noted to those set out above.
- 5.3. Objections relating to legal complications regarding freehold/ leasehold, developer profit and detrimental impact on property values are noted, however these issues are not material planning considerations.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection subject to condition re car park management plan.

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

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP15 Heritage

CP19 Housing mix

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages

QD14 Extensions and alterations

QD15 Landscape design

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO11 Residential care and nursing homes

HE6 Development within or affecting the setting of conservation areas

HE11 Historic parks and gardens

Brighton & Hove City Plan Part 2

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

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The merits of the scheme as a whole have been considered as part of the preceding permission (BH2019/02007). The principle of the change of use of the property from a care home to flats was justified. The proposed design, siting and units of the development have not been significantly altered and the assessment of this application will therefore relate to that aspect of the current scheme that differs from the previous application, namely the change to the red boundary line on the plans and the revised parking allocation for the flats.

Sustainable Transport:

- 9.2. There are three car parking spaces in total on the front forecourt of the site which are approved for use by the occupants and visitors to the six flats. The retention of the parking spaces for the occupants of and visitors to the flats is secured by a condition on the original planning permission:
The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times. Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards
- 9.3. It is understood that 1no. parking space is in the ownership of a flat occupant and at least 1no. parking space is now in the ownership of a house to the rear of the site. Therefore, a breach of the aforementioned condition has occurred. A breach of condition notice was served by the Council on the 19th April 2022.
- 9.4. The applicant proposes to regularise the situation by altering the red site boundary line to ensure that 1 no. parking space is retained for the flats. The intention is to provide 2no. parking spaces for the rear dwellinghouses that currently do not have on-site parking.
- 9.5. The application refers to parking surveys that have been provided and accepted previously in July 2019 and an updated survey from December 2021 has also been submitted as part of this application. These indicate that there is sufficient available parking on-street in the local area to cover any on-street parking demand caused by the proposals. The Council's Highways Officer has been consulted on the scheme and has no objections as outlined below.

- 9.6. The applicant makes the case, with regard to the loss of two parking spaces for the flatted development, that the forecast overspill parking to occur from the proposal should be comfortably available on-street. Additionally, the rear dwellinghouses would now have access to the parking spaces, therefore the overall demand for on-street parking should not increase when considering to the two applications together in terms of parking demand. It is merely allocated differently across the two sites.
- 9.7. It is noted that the site is within a Controlled Parking Zone therefore residents of the flats would require a permit to park. However, as no harmful impact in parking overspill onto the highway is expected from the proposal, the Highways Officer has advised that the application does not warrant refusal in policy terms and is therefore acceptable, subject to a car park management plan, to ensure the parking space is only accessible to the residential unit it is allocated to and managed appropriately.
- 9.8. It is recommended that measures include 'permit holder only' signs and removable lockable bollards. This would prevent excessive movements in the area and manoeuvres on site by residents vying for the space. The car park management plan can be secured by condition.
- 9.9. Given the lack of objection from the Council's Highways Team, it is considered that the alteration to the site boundary and loss of parking spaces for the flats is justified. The re-allocation of the parking spaces is acceptable.
- 9.10. It is noted that the previous application had a condition relating to converting the redundant vehicle crossover back to a footway by raising the existing kerb and footway on Preston Park Avenue. It is recommended that this condition is deleted, as the Council's Heritage Team has stated that it would wish to see the historic footpath paving retained.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The 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.

11. EQUALITIES

None identified

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The scheme provides housing within an existing building and the site is within a sustainable location with good access to public transport links and local facilities.

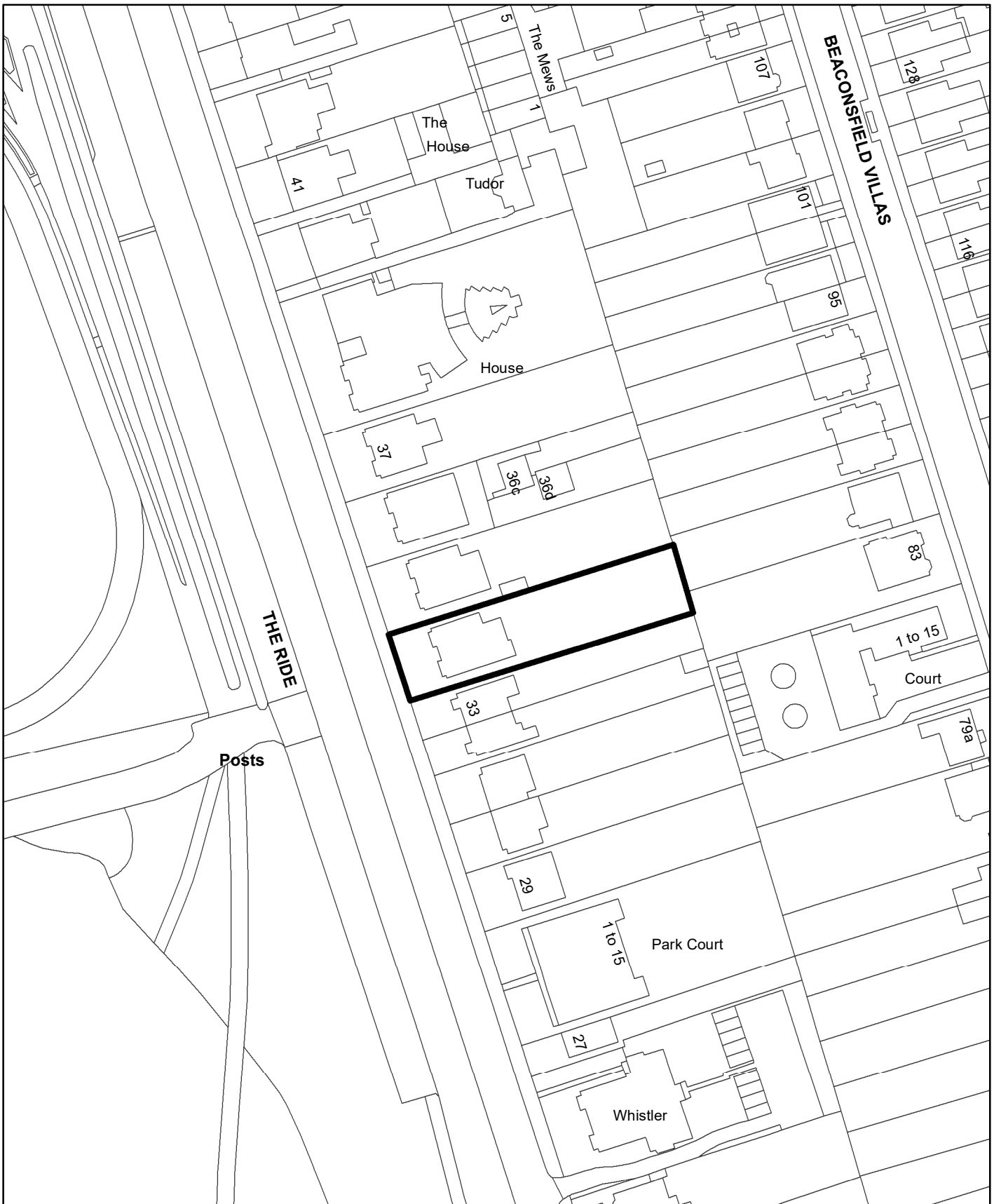
Cycle parking is conditioned to be provided, reducing reliance on cars. A bee brick is also secured.

ITEM O

**34 Preston Park Avenue
BH2022/00027
Removal or Variation of Condition**

DATE OF COMMITTEE: 5th October 2022

BH2022 00027 - 34 Preston Park Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2022/00027	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Preston Park Avenue Brighton BN1 6HG		
<u>Proposal:</u>	Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping to address non-compliance with the plans approved in relation to planning permission BH2020/01832, with amendments to the parking allocation and the red line boundary.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	05.01.2022
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	02.03.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.07.2022
<u>Agent:</u>	Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Mr D Frizzell 85 Church Road Hove BN3 2BB		

1. RECOMMENDATION

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

Conditions:

- 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	A.001	D	17 May 2022
Proposed Drawing	D.001	B	3 September 2020
Proposed Drawing	D.002		3 September 2020
Proposed Drawing	D.003	B	3 September 2020
Proposed Drawing	D.004		3 September 2020
Proposed Drawing	D.005	A	3 September 2020
Proposed Drawing	D.006		3 September 2020
Report/Statement	Arbtech EDS	07.04.2020	12 August 2020
Detail	Materials Samples		1 July 2021
Proposed Drawing	C001	A	25 January 2021
Proposed Drawing	C002	A	25 January 2021
Proposed Drawing	C.001	Spot levels	12 August 2020
Proposed Drawing	C.002	Spot levels	12 August 2020

2. Not used
3. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse 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 QD14, HE6 and QD27 of the Brighton & Hove Local Plan, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One, and DM20, DM21 and DM26 of the Submission City Plan Part Two.
4. Access to the flat roof areas (annoted as 'green roof' on drawing D.002 received on 3 September 2020) of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 and DM21 of the Submission City Plan Part 2.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
6. The windows in the western elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 and DM21 of the Submission City Plan Part 2.
7. The development pedestrian walkway shown on the approved plans, shall not be used otherwise than as dedicated pedestrian / cyclist access and shall be maintained as such thereafter. The walkway should not be used for the access or parking of motor vehicles and motorcycles.
Reason: In the interested of safety and to ensure that suitable pedestrian access provision is provided to and from the development and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One, and DM20 and DM33 of the Submission City Plan Part 2.

8. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM22 of the Submission City Plan Part 2.

9. Not used

10. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy, Artech (dated 07/04/2020) received on the 12/08/2020.

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

11. Development shall be carried out and maintained in accordance with the materials samples/details approved under application BH2021/02436.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18 and DM26 of the Submission Brighton & Hove City Plan Part Two.

12. Development shall be carried out and maintained in accordance with the landscaping details approved under application BH2020/03352. 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, HE6 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18, DM21, DM22, DM26 and DM43 of the Submission Brighton & Hove City Plan Part Two, and SPD06, SPD11 and SPD16.

13. The refuse and recycling storage facilities indicated on the approved plans shall be retained for use at all times.

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

14. Within two (2) months of the date of this permission, the cycle parking facilities shown on the approved plans shall have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

15. Not used

16. Not used

17. 2 no. bee bricks (1 per unit) shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

18. 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 and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

19. Within two (2) months of the date of this permission, a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area shall be submitted to and approved in writing by the Local Planning Authority.

The scheme must at least include the following measures:

- 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.

The above works must be implemented prior within two (2) months of the details being approved and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan, CP9 of the City Plan Part One, DM33 and DM36 of the Submission Brighton & Hove City Plan Part Two, and SPD14 Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on

this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to two recently constructed dwellinghouses to the rear, and, in the former garden of no. 34 Preston Park Avenue. It is understood that both the houses are occupied.
- 2.2. The original plot has been sub-divided. There is a large detached Victorian property with two front gables to the front of the site overlooking Preston Park, a grade II registered park and garden. This is a former care home which is now in use as 6no. residential flats.
- 2.3. The site is within the Preston Park Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2021/02436** Application for approval of details reserved by condition 11 (external surfaces materials) of application BH2020/01832. Approved 25.07.2021.
- 3.2. **BH2020/03352** Application for approval of details reserved by conditions 11 (material samples) and 12 (landscaping) of BH2020/01832. Approved 27.01.2021.
- 3.3. **BH2020/01832** Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping. Approved 4.9.2020
- 3.4. With regard to the flattened development to the front of the site, the following permissions are relevant:
- 3.5. **BH2022/00026** Application to vary condition 1 of planning permission BH2019/02007 to allow amendments to approved drawings, and remove condition 3 (Vehicle Parking Areas). Under consideration.
- 3.6. **BH2021/03695** Application to vary condition 3 of planning permission BH2019/02007 to amend the wording of the condition to read as follows: The vehicle parking areas shown on the approved plans shall not be used otherwise

than for the parking of private motor vehicles and motorcycles and shall be maintained so as to ensure their availability for such use at all times. Refused 13.12.2021 for the following reasons:

1. *The variation proposed to condition 3 of BH2019/02007 would result in the development failing to provide adequate parking provision on the application site, resulting in overspill parking and impacts on highway capacity, contrary to policy CP9 of Brighton & Hove City Plan Part One and SPD14: Parking Standards.*
2. *The proposed variation to condition 3 of BH2019/02007 would fail to be necessary or relevant to the development permitted, by virtue of allowing use of the parking area for third parties, that are not occupants or visitors to dwellings within the site boundary, and would thereby be contrary to paragraph 56 of the National Planning Policy Framework.*
3. *The proposed variation to condition 3 of BH2019/02007 would result in a change of use of the land in use as parking spaces to that of commercial parking, contrary to Policies CP9 of Brighton & Hove City Plan Part One, Policy QD27 of the Brighton & Hove Local Plan, and Policy DM20 of City Plan Part Two.*

- 3.7. **BH2021/03045** Application for variation of condition 3 of application BH2019/02007 (Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective)) to state: The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved, or occupants of and visitors to the development hereby approved under BH2020/01832 and shall be maintained so as to ensure their availability for such use at all times. Refused 12.10.2021.
- 3.8. **BH2021/02150** Application for variation of condition 1 of BH2019/02007 (Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective).) to allow amendments to the approved drawings to provide additional car parking space. Refused 04.08.2021.
- 3.9. **BH2020/01330** Application for Approval of Details reserved by Condition 7 (Materials and Window Details) of application BH2019/02007. Approved 08.06.2020
- 3.10. **BH2019/02007** Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective). Approved 27.02.2020.

There is an open Planning Enforcement Case:

- 3.11. **ENF2020/00472** Breach of conditions 3 (car parking), 8 (cycle parking) and 9 (refuse and recycling) of BH2019/02007. BCN served re condition 3 on 19/4/22.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission under Section 73a of The Town and Country Planning Act to vary condition 1 of planning permission BH2020/01832 to allow amendments to approved drawings to amend the red boundary line and parking allocation.
- 4.2. Planning permission (BH2020/01832) was secured in 2020 for the erection of 2no dwellings (C3) to the rear of the existing building. The development is complete and it is understood that both houses are occupied.
- 4.3. There are 3no. existing vehicular parking spaces to the front forecourt of no. 34 Preston Park Avenue which are currently approved and conditioned for the use of the flatted development to the front of the site.
- 4.4. This application seeks to amend the red boundary line on the plans so that 2no. of those parking spaces would be for use by the houses to the rear.
- 4.5. A concurrent application (BH2022/00026) is being considered which proposes to alter the red boundary line so that the flatted development to the front of the site would retain 1no. of the parking spaces.
- 4.6. It should be noted that previous applications designed to achieve the above have been refused by virtue of various planning technicalities relating to sub-division of site. The amendment to the red boundary line proposes to overcome the reasons for refusal.
- 4.7. Amended plans have been received during the life of the application which further amend the red line to ensure that the area allocated for the cycle storage for the flats is retained to the side boundary. The Local Planning Authority re-consulted on this amendment. Additionally, Notice has been served on relevant properties since submission of the application to address issues raised in objections received.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters have been received objecting to the proposed development for the following reasons:
 - Loss of residential amenity
 - Deny parking to residents and visitors of flat development
 - Loss of cycle storage
 - Commercial use of parking area
 - Neighbouring development to the rear should be 'car free'
 - Developer has sold parking space to rear house
 - False ownership declaration
 - Planning breaches

- 5.2. Following a re-consultation 20/05/22 regarding amended plans **six (6)** further representations have been received. No further grounds of objection are noted to those listed above.
- 5.3. Objections relating to legal complications re freehold/ leasehold, developer profit and detrimental impact on property values are noted, however these are not material planning considerations.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection subject to condition re car park management plan.

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

CP12 Urban design

CP14 Housing density

CP15 Heritage

CP19 Housing mix

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

TR7 Safe Development

TR12 Helping the independent movement of children

TR14 Cycle access and parking

TR18 Parking for people with a mobility related disability

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD15 Landscape design

QD16 Trees and hedgerows

QD18 Species protection

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HE6 Development within or affecting the setting of conservation areas

HE11 Historic parks and gardens

Brighton & Hove City Plan Part 2

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

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

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees and Development Sites

SPD11 Nature Conservation & Development

SPD14 Parking Standards

SPD16 Sustainable Drainage

SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The merits of the scheme as a whole have been considered as part of the preceding permission (BH2020/01832). The principle of the development was justified. The design, siting and units of the development have not been

significantly altered and the assessment of this application will therefore relate to that aspect of the current scheme that differs from the previous application, namely the change to the red boundary line on the plans and the revised parking allocation.

Sustainable Transport:

- 9.2. There are three car parking spaces in total on the front forecourt of the site which are approved for use by the occupants and visitors to the six flats to the front of the site. The retention of the parking spaces for the occupants of and visitors to the flats is secured by a condition on planning permission BH2019/02007:
The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times. Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
- 9.3. It is understood that 1no. parking space is in the ownership of a flat occupant and at least 1no. parking space is now in the ownership of a house to the rear of the site. Therefore, a breach of the aforementioned condition has occurred. A breach of condition notice was served by the Council on the 19th April 2022.
- 9.4. The applicant proposes to regularise the position by altering the red site boundary line so that 2 no. parking spaces are for use by the rear dwellinghouses which currently do not have on-site parking (with 1 no. parking space retained for the flats). The Council's Highways Officer has been consulted on the scheme and has no objections as outlined below.
- 9.5. There is no objection in principle to two of the spaces being allocated to the rear dwellinghouses, subject to a car park management plan to ensure the proposed spaces are only accessible to the residential units they are allocated to and managed appropriately. It is recommended that measures include 'permit holder only' signs and removable lockable bollards. This would prevent excessive movements in the area and manoeuvres on site by residents vying for the spaces. The car park management plan can be secured by condition.
- 9.6. With regard to the loss of the spaces for the flatted development, the application refers to parking surveys that have been provided and accepted previously in July 2019 and an updated survey from December 2021 has also been submitted as part of this application. These indicate that there is sufficient available parking on-street in the local area to cover any on-street demand caused by the proposals.
- 9.7. The applicant makes the case that the forecast overspill parking to occur from the flatted development should be comfortably available on-street. Additionally, the rear dwellinghouses would now have access to the parking spaces, therefore the overall demand for on-street parking should not increase as a result of the proposal. It is merely allocated differently across the two sites.

- 9.8. It is noted that the site is within a Controlled Parking Zone therefore residents of the flats would require a permit to park. However, as no harmful impact relating to parking overspill onto the highway is expected from the proposal, the Highways Officer has advised that the proposals overall do not warrant refusal in policy terms.
- 9.9. Given the lack of objection from the Council's Highways Team, it is considered that the alteration to the site boundary and the re-allocation of the parking is acceptable.

10. COMMUNITY INFRASTRUCTURE LEVY

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

11. EQUALITIES

None identified

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The scheme provides residential housing within a sustainable location with good access to public transport links and local facilities. Cycle parking is proposed, reducing reliance on cars. 2x bee brick is secured by condition.

PLANNING COMMITTEE

Agenda Item 48

Brighton & Hove City Council

NEW APPEALS RECEIVED 11/08/2022 - 07/09/2022

WARD

REGENCY

APPEALAPPNUMBER

ADDRESS

85 Preston Street Brighton BN1 2HG

DEVELOPMENT DESCRIPTION

Appeal against

APPEAL STATUS

APPEAL ALLOWED, AWAITING FEE PAYMENT

APPEAL RECEIVED DATE

23/08/2022

APPLICATION DECISION LEVEL

Not Assigned

PLANNING COMMITTEE

Agenda Item 50

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 24/08/2022 AND 20/09/2022

<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00019
<u>ADDRESS</u>	Land Adjoining 12 Dunster Close Brighton BN1 7ED
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey building comprising 1no semi-detached four bedroom house and 2no one bedroom flats (C3). ADDITIONAL INFORMATION - TRANSPORT STATEMENT
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00674
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00028
<u>ADDRESS</u>	7 Richmond Road Brighton BN2 3RL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no single storey, two bedroom dwelling (C3) to the rear with associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02065
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00029
<u>ADDRESS</u>	55 Centurion Road Brighton BN1 3LN
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 5no bedroom residential dwelling/small house in multiple occupation (C3/ C4) to a 6no bedroom residential dwelling/small house in multiple occupation (C3/C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03422
<u>APPLICATION DECISION LEVEL</u>	Delegated

