

# Planning Committee

Date: **2 August 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:**Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Pumm, Robinson, Shanks and C Theobald

Conservation Advisory Group Representative

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

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# AGENDA

## 21 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.*

## 22 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 5 July 2023 will be circulated separately.

## 23 CHAIR'S COMMUNICATIONS

## 24 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 27 July 2023.

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

**26 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.*

**Public Speakers Note:** Any persons wishing to speak at a meeting of the Committee shall give written notice of their intention to do so to the Democratic Services Officer **four clear days** before the meeting (normally, the Committee meets on Wednesdays which means the notice has to be **received by 5.30pm the preceding Friday**). Please register to speak by emailing Democratic Services at: [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

(Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak the time will need to be shared, or one can be elected by communal consent to speak for all).

**MAJOR APPLICATIONS**

A BH2022/03385 - 239-243 Kingsway, Hove - Removal or Variation of Condition **1 - 20**

**MINOR APPLICATIONS**

B BH2022/03810 - 15-26 Lincoln Cottages, Brighton - Full Planning **21 - 64**

C BH2023/00953 - 9 The Village Barn, Church Hill, Brighton - Householder Planning Consent **65 - 74**

D BH2023/01539 - 6 West Hill Street, Brighton - Householder Planning Consent **75 - 86**

E BH2023/00722 - 100-104 Church Road, Hove - Full Planning **87 - 100**

F BH2023/00789 - Land to the rear of 69 Centurion Road, Brighton - Full Planning **101 - 116**

G BH2023/01017 - Studio Workshop at rear of 49 Elm Drive, Hove - Householder Planning Consent **117 - 138**

**27 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**

**28 LIST OF NEW APPEALS LODGED WITH THE PLANNING  
INSPECTORATE 139 - 140**

(copy attached).

**29 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

None for this agenda.

**30 APPEAL DECISIONS 141 - 144**

(copy attached).

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

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

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

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

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

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

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# **ITEM A**

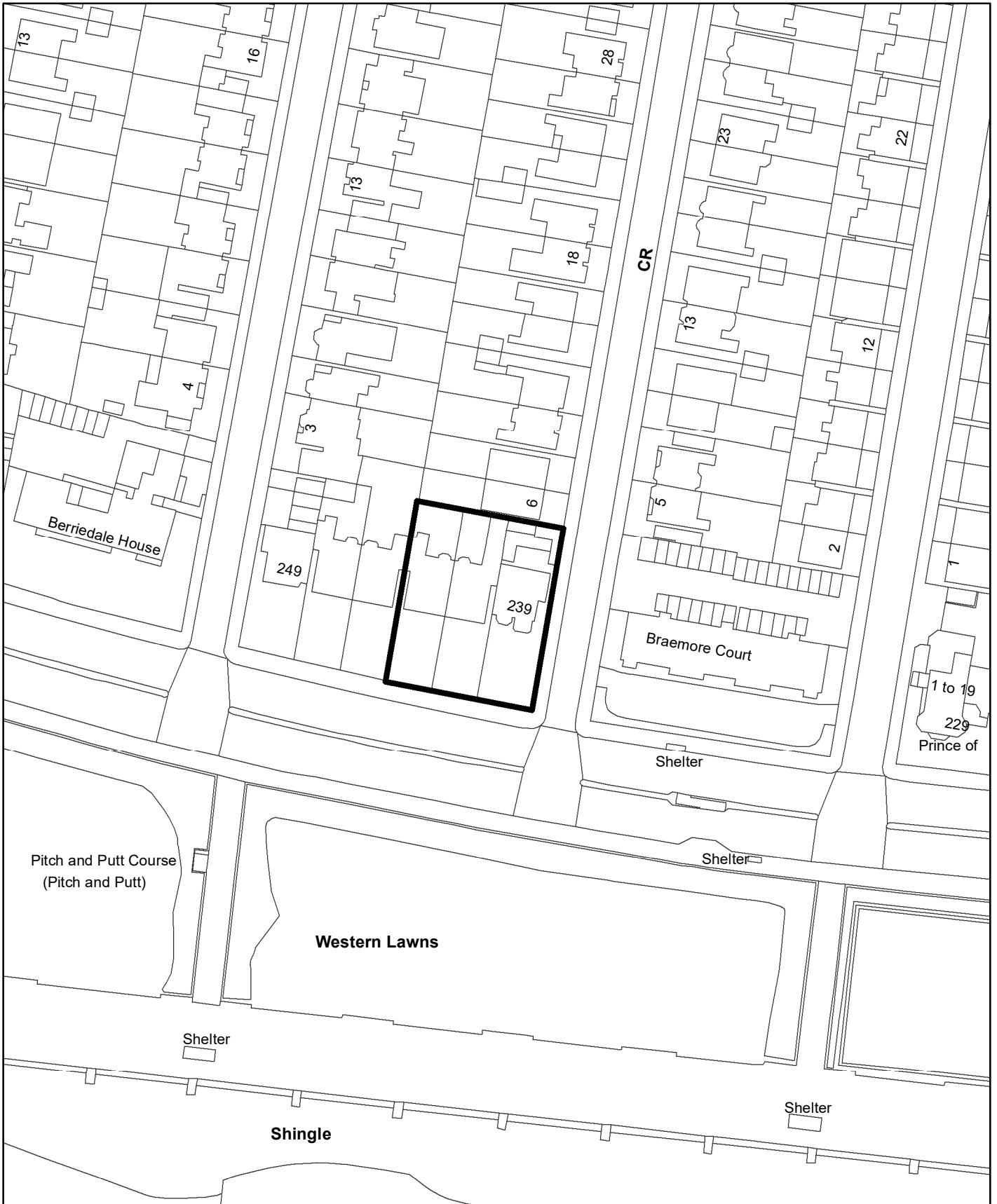
**239-243 Kingsway  
BH2022/03385  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**





# BH2022 03385 - 239-243 Kingsway



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2022/03385</b>	<b><u>Ward:</u></b>	<b>Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>239 - 243 Kingsway Hove BN3 4HE</b>		
<b><u>Proposal:</u></b>	<b>Application to vary Condition 2 of planning permission BH2018/00937 (allowed on appeal), as amended by BH2022/00541, to allow amendments to approved drawings, to vary Condition 8 (Disability access) to refer to Part M4(3)(2a) of the building regulations, to vary Conditions 12 (Cycle Parking), and 13 (Electric Vehicle Charging) to refer to approved details and to vary Condition 26 (Unit numbers) to refer to 33 units.</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee, tel: 292132</b>	<b><u>Valid Date:</u></b>	<b>28.10.2022</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>27.01.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>02.05.2023</b>
<b><u>Agent:</u></b>	<b>Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>239 Kingsway Hove Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD</b>		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	P_112		28 October 2022
Proposed Drawing	P_201		28 October 2022
Proposed Drawing	P_202		28 October 2022
Proposed Drawing	P_203		28 October 2022
Proposed Drawing	P_204		28 October 2022
Proposed Drawing	P_205		28 October 2022
Proposed Drawing	P_221		28 October 2022
Proposed Drawing	P_222		28 October 2022
Block Plan	P_101		28 October 2022
Proposed Drawing	P_211	02	30 May 2023
Proposed Drawing	P_212	02	30 May 2023
Proposed Drawing	P_113	01	30 May 2023
Proposed Drawing	P_114	02	30 May 2023
Proposed Drawing	7127-L(01)003	E	10 May 2023

2. Not Used
3. The development shall be implemented in accordance with the ground level details as approved under application BH2022/00727.  
**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 DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
4. The development shall be carried out in accordance with the Construction Environmental Management Plan as approved under application BH2022/00420.  
**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, 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.
5. The development shall be carried out in accordance with the materials details as approved under application BH2022/01472 and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 & DM26 of Brighton & Hove City Plan Part 2 and CP12 & CP15 of the Brighton & Hove City Plan Part One.
6. The approved surface water drainage system shall be implemented in accordance with the approved scheme under application BH2022/01897.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
7. The development shall be carried out in accordance with the approved method statement under application BH2022/00457. The party wall and any associated works shall be completed within one month of the demolition of 243 Kingsway.  
**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
8. The wheelchair accessible / adaptable dwelling(s) hereby permitted as detailed shall be completed in accordance with the following;
  - a) all private residential units and all affordable units not covered by part b) below shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings - 'adaptable') prior to first occupation and shall be retained as such thereafter.
  - b) all residential units where the Council is responsible for allocating or nominating the occupier shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings -

'accessible') 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 DM1 of Brighton & Hove City Plan Part 2.

9. The development hereby permitted shall not be occupied until all dwellings have been completed in accordance with Building Regulations Optional Requirement G2 Regulation 36(2b) to achieve a water efficiency standard using not more than 110 litres of water per person per day maximum indoor consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. The development hereby permitted shall not be occupied until the refuse and recycling facilities have been installed and shall thereafter be retained for use by all occupants.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove 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.
11. The development hereby permitted shall not be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how each car parking space will be allocated and managed and 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 approved Plan shall be implemented prior to occupation of the development and thereafter retained.  
**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 DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.
12. The approved cycle storage facilities shall be implemented prior to first occupation of the development and thereafter retained.  
**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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
13. The approved electric vehicle charging points shall be installed prior to first occupation of the development and thereafter retained.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not be occupied until a scheme for landscaping and enhancement of the nature conservation interest of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing, details of boundary treatments and details of proposed planting, including numbers and species of trees and other plants. All hard landscaping and boundary treatments shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding and turfing included within the approved scheme shall be carried out in the first planting and seeding seasons following first occupation of the development or the completion of the development, whichever is sooner. Any trees or other plants which, within a period of five years from the first occupation of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. The development hereby permitted shall not be occupied until details of the external lighting of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include information on the predicted illuminance across the site and immediately adjacent properties. The approved lighting shall be installed prior to first occupation of the development hereby permitted and maintained and operated thereafter in accordance with approved details.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

16. The development hereby permitted shall not be occupied until details of the photovoltaic array referred to in the Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall be installed prior to first occupation of the development and thereafter retained.

**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.

17. The development hereby permitted shall not be occupied until the balcony louvres shown on the approved plans have been installed, and the louvres shall thereafter be retained.

**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

18. The development hereby permitted shall not be occupied until details for privacy screening of those parts of balconies facing west have been submitted to and approved in writing by the Local Planning Authority. The privacy screening shall be installed prior to first occupation and thereafter retained.  
**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
19. Not Used
20. The vehicle parking area hereby approved 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 permitted.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards
21. No cables, wires, aerials, pipework, meter boxes or flues other than as shown on the approved drawings shall be fixed to any external façade of the development hereby permitted.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 & DM26 of Brighton & Hove City Plan Part 2 and CP12 & CP15 of the Brighton & Hove City Plan Part One.
22. Other than where indicated to be used as balconies on the approved drawings, access to the flat roofs of the development hereby permitted 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 DM20 and DM21 of Brighton & Hove City Plan Part 2.
23. All external ground floor hard surfacing within the development hereby permitted shall be made of porous materials.  
**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.
24. Noise associated with plant and machinery incorporated within the development hereby permitted shall be controlled such that the rating level measured or calculated at 1 metre from the façade of the nearest noise sensitive building 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 in accordance with the guidance provided in BS 4142:1997.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
25. Not Used
26. The development (ref. BH2018/00937) shall provide 33 no. dwellings (C3).

**Reason:** To ensure that the Local Planning Authority retains control over the density of the development, the proposed standard of accommodation and any impacts arising from the overall scale of development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that 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 plot of land previously containing 3 dwellings, situated on the corner of Kingsway and Braemore Road. It is a prominent corner site on the main seafront route through Hove, and is visible from the Western Lawns and seafront area on the southern side of Kingsway.
- 2.2. The character of the surrounding area is predominantly residential, with a mix of purpose built blocks of flats at the southern end of streets generally typified by semi-detached houses, as well as some detached properties.
- 2.3. To the north of the site, there are two-storey residential properties fronting onto Braemore Road. To the west, the remaining properties on the block face onto Kingsway, comprising of a pair of semi-detached houses and a detached house on the corner of Kingsway and Berriedale Avenue. To the east is Braemore Court which is an 8 storey block of flats.
- 2.4. The site is not in a conservation area and does not contain any listed buildings. The Western Lawns opposite the site are identified on the Council's local list of heritage assets, and the historic shelters on Western Esplanade to the south are grade II listed. The nearest conservation area is the Sackville Gardens Conservation Area, visible from the site along Kingsway to the east.

## **3. RELEVANT HISTORY**

### **BH2022/03639**

- 3.1. Non-material amendment to application BH2018/00937 (allowed on appeal) to change the material for the feature band to allow for the use of render - Approved 16/12/2022

### **BH2022/00541**

- 3.2. Non-material amendment to application BH2018/00937 (allowed on appeal) to amend development description to: Demolition of the existing dwellings and



erection of an eight storey building to provide self-contained flats (C3), with associated access, parking and landscaping - Approved 15/03/2022

**BH2018/00937**

- 3.3. Demolition of existing buildings and erection of an eight-storey building to provide 37no residential dwellings (C3) with associated access, parking and landscaping - Refused 09/08/2019 (Appeal Allowed following a Hearing 18/12/2020)

**4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought to vary the following conditions of planning application BH2018/00937 (allowed on appeal):
- Condition 2 - to allow amendments to approved drawings in terms of internal layout and outdoor space layout, in order to allow for the proposed variation of the below conditions.
  - Condition 8 (Disability access) - to refer to Part M4(3)(2a) of the building regulations, rather than M4(3)(2b) compliant.
  - Conditions 12 (Cycle Parking) - submission in order to approve details of condition
  - 13 (Electric Vehicle Charging) - submission in order to approve details of condition
  - Condition 26 - (Unit numbers) to refer to proposed 33 units rather than 37 units.
- 4.2. The application originally proposed the variation of Condition 14 (landscaping), however this has subsequently been withdrawn from the application.

**5. REPRESENTATIONS**

None received

**6. CONSULTATIONS**

External

6.1. **County Archaeologist: No Objection**

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6.2. **County Ecologist: No Objection**

The proposed condition variation can be supported from an ecological perspective. The proposed annual maintenance of bird boxes i.e. their cleaning out in winter, is supported and should ideally be incorporated into any grounds/facilities maintenance plan for the development.

6.3. **Sussex Police: No Objection**

No concerns over the variation of the above conditions other than to provided comments concerning Condition 12 - cycle parking.

- 6.4. It is noted that only a percentage of the proposed cycle storage has controlled entry. They are at present vulnerable to attack and theft and require more robust measures to secure them, given their location adjacent to the uncontrolled entrance into the development from Braemore Road. In order to provide a safe and secure environment for the resident cycles. Sussex Police direct the applicant to SBD Homes 2029 V2 chapter 56 for cycle security advice.
- 6.5. **Southern Water:** No Objection
- Internal
- 6.6. **Planning Policy:** Comment  
The wording of DM1 was amended at the CPP2 Main Modifications stage to bring it in line with Part M4(3) of the Building Regulations and Planning Practice Guidance on Housing: Optional Technical Standards (paragraph 56-009).
- 6.7. **Sustainability:** No Objection  
The applicant is requested to confirm that the hard surfacing materials will be porous, and to give details of the proposed maintenance of the planting. Otherwise these proposals are adequate and condition 14 may be discharged.
- 6.8. **Sustainable Drainage:** No Objection  
The team can recommend this application for approval, as the proposed amendments to plans do not significantly affect drainage strategy or flood risk.
- 6.9. **Transport:** Comment  
Initial Comments  
Condition 12 (Cycle parking) - Whilst the proposed provision complies with SPD14, as per previous comments provided by the LHA on the BH2018/00937 application, we expect at least 40% - 50% (i.e., 18 -23 spaces) of the total cycle parking provision to be provided in the format of universally accessible Sheffield stands, in the interests of facilitating access to cycle parking for all types of cyclists. This is necessary to meet the "readily accessible" and "convenient" criteria set out in policy TR14. The submitted plans show aisle widths between the two tier stands which are considered too narrow, neither 2.5m or 3.2m in width.
- 6.10. Condition 13 (Electric Vehicle Charging Provision) - Whilst the applicant's proposed 10% electric vehicle charging provision is welcomed from an SPD14 policy compliance perspective, the Local Highway Authority would like to draw the applicant's attention to changes to the Building Regulations which affect electric charging provisions for residential developments. The applicant should provide active electric vehicle charging provisions in line with building regulations and the Council's 2030 Net Zero aspiration.
- 6.11. Condition 26 (33 units) - Acceptable, the reduction of residential units from 37 to 33 will result in a reduction of trips generated by the site, which is welcomed by the LHA.

### Further Comments

- 6.12. Condition 12 (Cycle parking) - Sheffield stands make up 52% of provision. However, 8 spaces are demarcated as short-stay visitor provision, the remaining 18 universally accessible spaces account for 36% of the long-stay provision. On balance, the total site provision will deliver 50% Sheffield stands, which is accepted.
- 6.13. Furthermore, the applicant has confirmed the provision of additional Sheffield stands (as requested previously by the LHA) would result in a large reduction of cycle parking for the site which would be impactful, so the proposed two-tier provision is accepted in this instance.
- 6.14. Condition 13 (Electric Vehicle Charging Provision) - The applicant has stated in their response that the development was registered under previous regulations and therefore Part S does not apply.

## **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 Two (adopted October 2022);
  - Brighton & Hove City Plan Part One (adopted 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 Two:  
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  
DM35 Travel Plans and Transport Assessments  
DM36 Parking and Servicing  
DM37 Green infrastructure and Nature conservation  
DM40 Protection of the Environment and Health - Pollution and Nuisance  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
SA1 The Seafront  
SA6 Sustainable Neighbourhoods  
CP1 Housing delivery  
CP2 Sustainable economic development  
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

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 acceptability of varying Condition 2 of planning permission BH2018/00937 (allowed on appeal), as amended by BH2022/00541, to allow amendments to approved drawings, to vary Condition 8 (Disability access) to refer to Part M4(3)(2a) of the building regulations, to vary Conditions 12 (Cycle Parking), and 13 (Electric Vehicle Charging) to refer to approved details and to vary Condition 26 (Unit numbers) to refer to 33 units.
- 9.2. The original planning permission was granted under application BH2018/00937 at appeal (for an eight storey building to provide 37 flats). The original scheme was recommended for approval by officers and refused by Planning Committee.

- 9.3. Whilst the Brighton and Hove City Plan Part 2 has been adopted in the intervening period, in this case it is considered that the policy context has not changed substantially in regard to the principle of development, uses proposed and design issues. Overall it is considered that there is no justifiable reason to take a decision contrary to that made previously at appeal and therefore no objection is raised to the principle of development.

Condition 8 (Disability access) - to refer to Part M4(3)(2a) of the building regulations, rather than M4(3)(2b) compliant

- 9.4. Condition 8 attached to application BH2018/00937 stated:  
*The development hereby permitted shall not be occupied until two of the dwellings have been completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) and shall be retained as such thereafter. All other dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained as such thereafter.*
- 9.5. Optional requirement M4(3) is met when a new dwelling makes reasonable provision for a wheelchair user to live in the dwelling and the associated amenity spaces/facilities on the site. The application proposes the 2 ground floor wheelchair user units, rather than M4(3)(2b) compliant as required currently by condition 8 (to meet the needs of occupants who use wheelchairs), to be M4(3)(2a) compliant (to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs).
- 9.6. The submitted planning statement indicates that it is not possible for the kitchens for the two Part M4(3) units to fully comply with Part M4(3)(2b) because it is not possible to install 6.5 metre length kitchen worktops in the two flats. The layout suggests that it could be a preference in order to optimise the living area layout, and the applicant submission suggests that adopting the Part M4(3)(2a) standard instead will allow for 'more flexibility in the kitchen areas'. The submitted planning report then sets out where the units elsewhere comply.
- 9.7. Part e) of Policy DM1 states as follows:  
*e) for proposals providing 10 or more dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). Where the Council is responsible for allocating or nominating the occupier, these homes should be 'wheelchair accessible' at the point of completion, whilst in other cases they may be 'wheelchair adaptable'. Where this is not practicable on-site an equivalent financial contribution should be provided.*
- 9.8. The wording of DM1 is in line with Part M4(3) of the Building Regulations and Planning Practice Guidance on Housing: Optional Technical Standards (paragraph 56-009). The policy only states M4(3) requirement (rather than specifically 2b). It then indicates that the homes should be wheelchair accessible 'Where the Council is responsible for allocating or nominating the occupier' and may only need to be adaptable at other times.

- 9.9. Condition 8 of the planning permission requires that two ground floor wheelchair units are specifically M4(3)(2b) compliant (i.e. ready for use at all times rather than just adaptable). This goes beyond the requirement of policy DM1. The applicant is seeking to amend this to still be M4(3) compliant (in accordance with DM1), but adaptable, in accordance with M4(3)(a). Given this would accord with Policy DM1 and retain two wheelchair accessible dwellings the amendment of the condition is considered acceptable.

Condition 12 (Cycle Parking) - submission in order to approve details of condition

- 9.10. Condition 12 attached to application BH2018/00937 stated:  
*The development hereby permitted shall not be occupied until details of secure cycle storage facilities for occupants of and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved storage facilities shall be implemented prior to first occupation of the development and thereafter retained.*
- 9.11. The revised scheme includes 33 dwellings (6 x 3 bedroom and 27 x 2 bedroom) which would generate the minimum SPD14 cycle parking requirements of 48 spaces in total consisting of:
- 27 long-stay spaces (for the 1–2-bedroom units)
  - 12 long-stay spaces (for the 3-4+ bedroom units)
  - 9 short-stay spaces
- 9.12. The applicant initially proposed 45 long-stay cycle parking spaces, 42 of which would have been two-tier racks and 3 would have been Sheffield stands, and 4 visitor cycle parking spaces. The Transport comments (during the original application) indicated 40% - 50% (i.e. 18 -23 spaces in this instance) of the total cycle parking should be accessible Sheffield stands. Although the proposed provision complied in quantity with the minimum requirements SPD14, the Local Highway Authority raised concerns regarding the lack of provision of Sheffield stands to ensure accessibility, and that the aisle widths in the cycle storage were considered too narrow.
- 9.13. To increase the number of universally accessible stands (i.e., Sheffield stands), whilst ensuring an acceptable number of stands can be delivered, the Local Highway Authority recommended a combined stand approach which includes Sheffield stands and a single tier above. The combined stands with Sheffield stands at the bottom provide an alternative option for those less confident in using the gas-assisted or manual two-tier stands or those that cannot reach the higher stands/small children, so would be more likely to cater/accommodate for all.
- 9.14. The scheme has been amended to propose a total of 50 cycle parking spaces (long and short stay), which exceeds the minimum policy requirements, and comprises:
- 5 Sheffield stands (10 spaces)
  - 12 two-tier stands (24 spaces)
  - 4 Sheffield stands (8 spaces)
  - 4 Sheffield stands (8 spaces)

- 9.15. On balance, as additional Sheffield stands would result in a significant reduction in parking space numbers overall, the cycle parking provision is considered acceptable.
- 9.16. Policy DM33 of CPP2 requires long-stay cycle parking to be universally accessible, under cover, secure, well lit and convenient to use. Additional information was required to show that the cycle parking is fully covered to provide protection from the elements to ensure it meets with TR14 which requires "Cycle parking for the occupants of new dwellings must be under cover". The applicant has confirmed in the amended plans that the north car park, the southern row are all undercroft, and the northern row are all under a pergola.
- 9.17. The proposed amendments to the cycle parking spaces has resulted in changes to the layout that would facilitate 1no. additional vehicle parking space (now 27 no. spaces). Condition 11 already requires details of allocation and management of all parking spaces as part of a Car Parking Management Plan to be submitted.
- 9.18. The proposed variation is therefore recommended for approval.
- 9.19. 13 (Electric Vehicle Charging) submission in order to approve details of condition Condition 13 attached to application BH2018/00937 stated:  
*The development hereby permitted shall not be occupied until details of electric vehicle charging points within the car park have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to first occupation of the development and thereafter retained.*
- 9.20. The scheme proposes to provide 10% electric vehicle charging provision. This would comply with the SPD14 requirements. The charging points will serve parking spaces 18, 19 and 20 at the rear of the site.
- 9.21. The Local Highway Authority has highlighted the recent change in Part S of the Building Regulations that would require all parking spaces are made as Electric Vehicle Charging Provision i.e. "Every new home with on-site parking is to have an electric vehicle charge point."
- 9.22. In general the requirement is for at least 1 no. Electric Vehicle Charging Point (EVCP) per residential dwelling, or that all parking spaces are made as EVCP if there are fewer spaces than dwellings. (as is the case here).
- 9.23. This came into effect on 15 June 2022 and so for a building notice or initial notice received before 15 June 2022, the application will still be considered under the previous Building Regulations, provided building work commenced before 15 June 2023 (which is the case in this instance).
- 9.24. The applicant has clarified that the development was registered under the previous regulations and therefore Part S does not apply in this instance. The planning process cannot manage issues addressed through other regulations, however, since the scheme predates the introduction of Part S, it is appropriate

to refer to the guidance contained in SPD14. Since the proposals are in accordance with the guidance, the approval of these details is supported.

Condition 26 (Unit numbers) to refer to proposed 33 units rather than 37 units

- 9.25. Condition 26 attached to application BH2018/00937 stated:  
*The development (ref. BH2018/00937) shall provide 37 no. dwellings (C3).  
**Reason:** To ensure that the Local Planning Authority retains control over the density of the development, the proposed standard of accommodation and any impacts arising from the overall scale of development.*
- 9.26. City Plan Part One policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 9.27. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively). This reflects continuing demand for housing from younger persons and young families.
- 9.28. The proposed accommodation schedule as approved under application BH2018/00937 was 33 x 2-bedroom units and 4x 3-bedroom units. The proposal in this application is to reduce the number of units from 37 to 33, and amend the mix to 27x 2-bedroom units and 6x 3-bedroom units. The overall improvement to the mix with a greater ratio of 3-bedroom units is welcomed.
- 9.29. It is noted that the size of some of the units has changed. During the application assessment, the applicant has provided a room schedule of the flat floorspace areas. The floorspaces include the outdoor terraces which would not normally be included as part of Gross Internal Area, however even with these deducted all residential units would still would comply with the Nationally Described Space Standards as required by City Plan Part 2 Policy DM1.
- 9.30. There is no proposed changed to the exterior of the building as a result of the internal layout change, and therefore no significant impact on neighbouring properties is envisaged.
- 9.31. The proposed variation is therefore recommended for approval.

Other Matters

- 9.32. The planning conditions previously applied must be revised and updated where necessary:
- Condition 1 (Standard Time Condition) is no longer required as works have commenced.



- Condition 2 (drawings table) is updated to include the submitted drawings.

- Condition 3

The development shall be implemented in accordance with the ground level details as approved under application BH2022/00727.

- Condition 4

The development shall be carried out in accordance with the Construction Environmental Management Plan as approved under application BH2022/00420.

- Condition 5

The development shall be carried out in accordance with the materials details as approved under application BH2022/01472 and retained as such thereafter.

- Condition 6

The approved surface water drainage system shall be implemented in accordance with the approved scheme under application BH2022/01897.

- Condition 7

The development shall be carried out in accordance with the approved method statement under application BH2022/00457. The party wall and any associated works shall be completed within one month of the demolition of 243 Kingsway.

- Condition 8

The wheelchair accessible / adaptable dwelling(s) hereby permitted shall be completed in accordance with the following;

- a) all private residential units and all affordable units not covered by part b) below shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings - 'adaptable') prior to first occupation and shall be retained as such thereafter.

- b) all residential units where the Council is responsible for allocating or nominating the occupier shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings - 'accessible') 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.

- Condition 12

The approved cycle storage facilities shall be implemented prior to first occupation of the development and thereafter retained.

- Condition 13

The approved charging points shall be installed prior to first occupation of the development and thereafter retained.

- Condition 25 (No initial development at 239 Kingsway) is no longer required as works have commenced.

- Condition 26

The development (ref. BH2018/00937) shall provide 33 no. dwellings (C3).

9.33. All other conditions are re-applied.

## **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 proposed changes do not result in any additional floorspace and therefore the proposal is not CIL liable.

## **11. EQUALITIES**

11.1. The proposed M4(3) wheelchair user dwellings are located on the ground floor. To accommodate M4(3) requirements and support accessibility, a disabled car parking space for each wheelchair unit is provided in the parking area. A level approach route is provided to each Flat 0.01's private entrance & Flat 0.02's main communal entrance without gates or other external barriers.

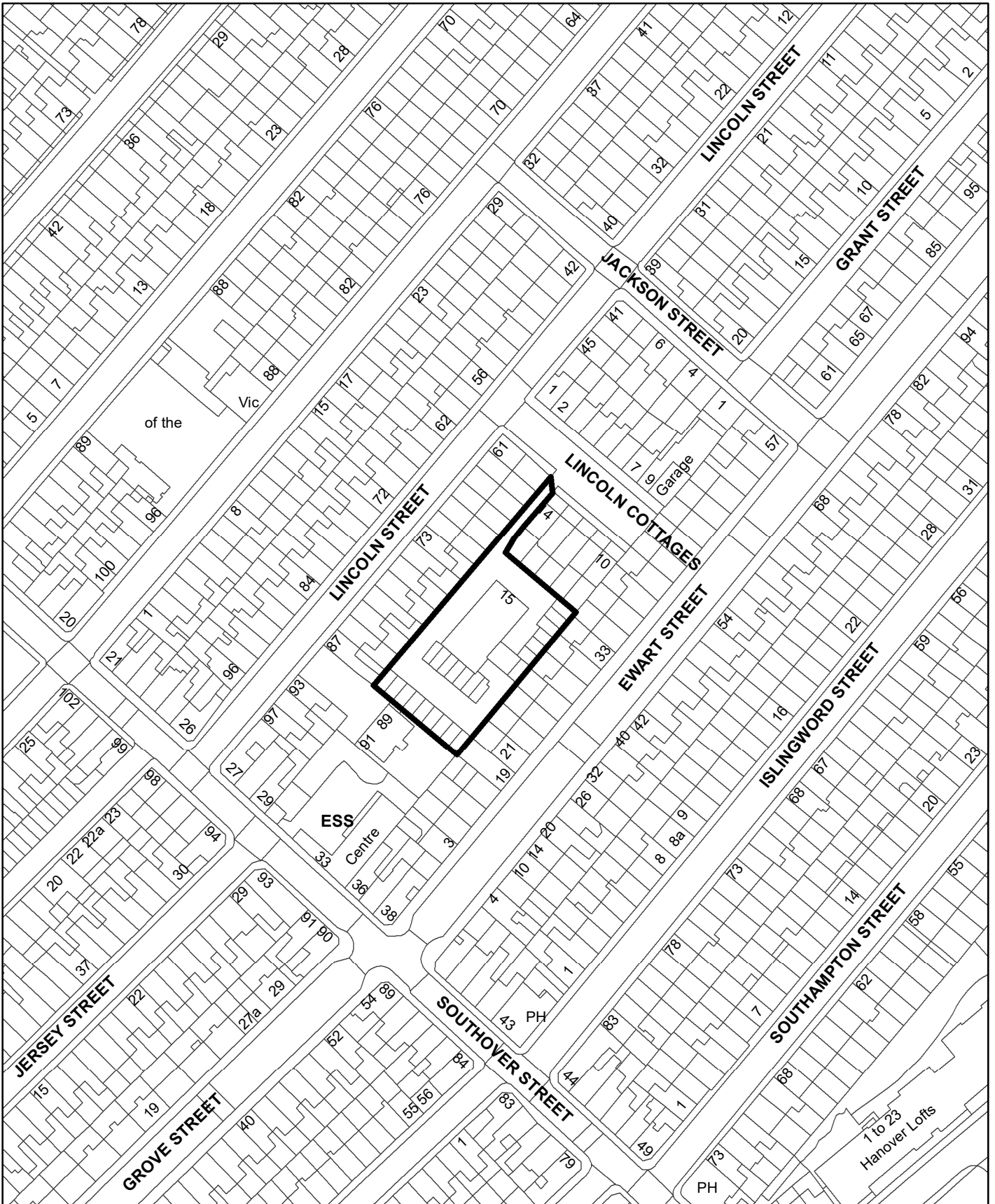
# **ITEM B**

**15-26 Lincoln Cottages  
BH2022/03810  
Full Planning**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**



# BH2022 03810 - 15-26 Lincoln Cottages



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/03810</b>	<b><u>Ward:</u></b>	<b>Hanover &amp; Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>15-26 Lincoln Cottages Brighton BN2 9UJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of 8no three bedroom, three storey dwellings (C3) and 1no one bedroom bungalow (C3) to replace existing garages/storage units and any associated works to include landscaping, cycle and bin storage.</b>		
<b><u>Officer:</u></b>	<b>Charlotte Bush, tel: 292193</b>	<b><u>Valid Date:</u></b>	<b>20.12.2022</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14.02.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Savills 33 Margaret Street London W1 G0JD</b>		
<b><u>Applicant:</u></b>	<b>Burlington Property Group C/O Savills 33 Margaret Street London W1 G0JD</b>		

**PREAMBLE:**

An appeal against the non-determination of this application was submitted by the applicant on 3<sup>rd</sup> March 2023 (valid from the 13<sup>th</sup> June 2023). The decision on the application therefore now sits with the Planning Inspectorate. The following report seeks a view on the decision the Committee would have made, had the decision remained with them.

**1. RECOMMENDATION**

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that had the planning application come before the Committee for determination it would have been **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder:

Heads of Terms:

£586,800 affordable housing contribution, equivalent to 20%

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1712-01		13 December 2022
Block Plan	1712-09		20 December 2022
Proposed Drawing	1712-15		13 December 2022
Proposed Drawing	1712-17		1 March 2023

Proposed Drawing	1712-13		1 March 2023
Proposed Drawing	1712-11		13 December 2022
Proposed Drawing	1712-18		1 March 2023
Proposed Drawing	1712-16		1 March 2023
Proposed Drawing	1712-10		1 March 2023
Proposed Drawing	1712-19		1 March 2023
Proposed Drawing	1712-20		13 December 2022
Proposed Drawing	1712-12		1 March 2023
Proposed Drawing	1712-22		1 March 2023
Proposed Drawing	1712-14		1 March 2023
Proposed Drawing	1712-21		13 December 2022
Proposed Drawing	1712-24		13 December 2022
Proposed Drawing	1712-23		20 December 2022
Proposed Drawing	1712-26		1 March 2023
Proposed Drawing	1712-27		1 March 2023
Proposed Drawing	2204470-002		13 December 2022
Proposed Drawing	Sunlight Amenity Study	SA01 01	2 February 2023
Proposed Drawing	Sunlight Amenity Study	SA02 02	2 February 2023
Detail	Shading markup		2 February 2023
Proposed Drawing	FIRE SAFETY STRATEGY		3 February 2023
Report/Statement	CONSTRUCTION TRAFFIC MANAGEMENT PLAN		3 February 2023
Report/Statement	ENERGY & SUSTAINABILITY REPORT		13 December 2022
Report/Statement	TRANSPORT ASSESSMENT		13 December 2022
Report/Statement	NOISE IMPACT ASSESSMENT		13 December 2022
Report/Statement	PHASE 1 GEO-ENVIRONMENTAL ASSESSMENT REPORT ? PART 1 - 7		13 December 2022
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY ? PART 1- 11		13 December 2022
Report/Statement	1712-DAS15		1 March 2023
Report/Statement	1712-DAS16		1 March 2023
Report/Statement	1712-DAS17		1 March 2023
Report/Statement	1712-DAS30		1 March 2023



Report/Statement	1712-DAS36		1 March 2023
Report/Statement	P125804-1000		22 June 2023
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL	11551 Pea Rev3	13 December 2023

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. Notwithstanding the 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 details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples 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) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Phlorum, March 2023), 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, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

5. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include the recommendations in the Preliminary Ecological Appraisal (Phlorum, March 2023) and the proposals in the Design and Access Statement (Chassay Studio Ltd, April 2023) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

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

**Reason:** To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of City Plan Part Two.

6. 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 industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
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+A2:2017;  
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.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

7. 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 suitable for use.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

8. 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.

9. 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 and thereafter retained.

**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 policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

11. 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 and retained thereafter.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One

12. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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 for this reason would wish to control any future development to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

13. 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 DM18 and DM21 of Brighton & Hove 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. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- 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 DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

16. 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 DM33 of City Plan Two.

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

1. The phases (if applicable) of the development hereby permitted, including the forecasted completion date
2. 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
3. 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
4. Details of hours of demolition and construction including all associated vehicular movements
5. Details of the demolition and construction compound
6. A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these
7. 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
8. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
9. Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
10. 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 CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03

18. At least one bee brick shall be incorporated within the external wall of each new unit hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
19. The development hereby permitted shall incorporate at least two (2) swift bricks/boxes within the external walls of each new unit hereby approved, and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development
20. The development hereby permitted shall not commence above slab level 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 DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
21. 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.
22. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in plan 1712-19 RevA V14 and 1712-16 RevA V14 shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed and thereafter retained 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. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

24. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development or rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

25. 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 roofs 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 DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that 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 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.
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 asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>
6. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
7. 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](http://www.southernwater.co.uk)
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
9. 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.
10. In order to be in line with Policy DM33 Safe, Sustainable and Active Travel of City Plan Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
11. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
12. 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 of approximately 5 metres above ground level, 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.

## **2. SITE LOCATION**

- 2.1. The site is situated within the Hanover area of Brighton and currently contains buildings providing storage in 22 lock-ups/garages as well as small business uses in five studios and workshops. , The existing buildings are a mixture of one- and two storeys in height.
- 2.2. The site is constrained, being surrounded by terraced housing on the north-west, north-east and south-eastern sides, and further housing and the Hanover Community Centre to the south-west. The only access to the site is via an accessway measuring approximately 2.4m wide at its narrowest point and 21m long. The access route is situated at the northern end of the site.
- 2.3. The site has a distinct topography which inclines from north-east to south-west. The surrounding houses are predominantly two storeys plus basement (therefore appearing as three storeys from within the site), with many houses also building into the loft space. The site is not within a conservation area, nor is it a listed building or in the setting of one.
- 2.4. The site is c.012ha and is registered on the Brownfield Land Register Ref. SHLAA0075 "Land South of Lincoln Cottages 15-26 Lincoln Street." The site is designated for housing in City Plan Part 2 policy H1 for an indicative quantum of 18 units.

## **3. RELEVANT HISTORY**

### **BH2023/01058**

- 3.1. Erection of 5no three bedroom three storey dwellings, 3no two bedroom two storey dwellings and 1no one bedroom bungalow (C3) to replace existing garages/storage units and any associated works to include landscaping, cycle and bin storage (Amended Description). Under consideration

### **PRE2022/00174**

- 3.2. Pre-application for 'Demolition of the existing buildings on the site and the construction of 9 residential dwellings. Follow up of PRE2022/00087.' Design changes suggested including changes to materials and features to add interest, and increased energy efficiency.

### **PRE2022/00087**

- 3.3. Pre-application advice for 'Site clearance and erection of 9 houses.' Principle of residential redevelopment supported, but noted need for daylight/sunlight assessment, and that further details needed to consider acceptability of impact on amenity, highway, affordable housing provision and recommended community engagement.

## 4. APPLICATION DESCRIPTION

- 4.1. The applicant proposes to redevelop the site to provide 9 residential dwellings in a terrace to include 1 no. 1-bedroomed bungalow and 8 no 3-bedroomed houses. The existing buildings on site would be demolished and replaced with a terrace of eight narrow, flat-roofed, three storey dwellings, with a bungalow at the eastern end of the block.
- 4.2. The terraced dwellings would have an open plan lounge/kitchen/diner at ground floor along with a w/c, with two double bedrooms and a bathroom at first floor level, and a single bedroom at second floor. Each would have large windows at front and rear, with angled windows at first and second floor alongside obscure-glazed windows to minimise overlooking of neighbouring properties. Each property would have a small garden to front and rear.
- 4.3. The bungalow would extend along the eastern end of the site with a slightly larger footprint than the terrace, but with an asymmetrical pitched roof sloping up to adjoin the terrace. It would have a rooflight in the eastern roofslope serving the living room/kitchen/diner, along with a bay window to the front (south) serving the kitchen, and full height sliding doors to the rear (north) serving the bedroom.
- 4.4. The dwellings would have primarily brick frontages of varying colours to provide visual interest, with windows, doors and bike stores painted different colours on each house. The terraced dwellings would have a rendered third floor which would be set back from the front and rear to reduce the 'bulk' of the built form.
- 4.5. The site would be accessed via an existing driveway in the north-eastern corner which slopes upwards into the site and would be paved with small areas of garden alongside.
- 4.6. Cycle storage and bin storage would be provided on site, as well as landscaping to encourage play. No car parking would be provided on site.
- 4.7. The dwellings would be at closest 5.9m from the gardens of dwellings on Lincoln Street to the north-west and 10.5 from the rear facades; and 8.4m from the gardens of neighbouring dwellings to the south-east on Ewart Street, and 14.2m from the rear façades.
- 4.8. The applicant sought initial pre-application advice in August 2022 (PRE2022/00087) and again in December 2022 (PRE2022/00174), with various site densities and layouts proposed.

## 5. REPRESENTATIONS

- 5.1. In response to consultation, representations were received from **91 (ninety-one)** residents objecting to the proposed development for the following reasons:
  - Additional traffic
  - Noise and disturbance

- Car free development but would put pressure on parking
- Implications for proposed Low Traffic Neighbourhood (LTN)
- Access for emergency vehicles is limited
- Access for refuse and recycling vehicles is limited
- Land registry concerns- CT1 and Prescriptive Easement Applications made by properties on Lincoln Street
- Maintenance and adoption of highway and access roads
- Too close to boundaries
- Overdevelopment of the site
- Overbearing
- Inappropriate height
- Poor design - not in-keeping with Hanover
- Poor landscaping plan
- Out of character with area
- No maintenance plan for green roofs
- Overshadowing and loss of light
- Overlooking and loss of privacy
- Noise and disturbance
- Light pollution
- Restriction of view
- Impact from additional activity including refuse collection points
- Dust dirt and odour and impact on health
- Fly tipping
- Inadequate drainage
- Restricted access
- Poor outlook
- Poor natural light and ventilation
- Application should contain affordable housing
- Concerns over impact of Airbnb and student housing
- Loss of habitat
- Impact on birds
- Impact on climate change objectives
- Notice B should be served as title deed has not been transferred
- Loss of commercial floor space not recognised
- Traffic Management report refers to art studio but applications states the land is derelict
- Concerns over community engagement
- Construction Management Plan submitted late and unworkable and no reference to demolition
- Impact on property value
- Impact on working garage at the end of Lincoln Cottages
- Noise and disturbance through construction
- Impact on the local infrastructure in Hanover
- Structural damage to neighbouring properties through construction
- Existing and previous tenants have been subject to significant rent rises and pressures to leave site

- 5.2. A letter from a planning consultancy on behalf of **62** residents has been received objecting to the application for the following reasons:
- Only tokenistic changes have been made to the scheme following the public consultation event, the fundamental concerns of the local community have not been addressed,
  - Whilst allocated for housing in CPP2, scheme as currently proposed is contrary to a number of material planning considerations set out in national and local policy,
  - Overdevelopment,
  - Design and appearance,
  - Detrimental impact on neighbouring amenity,
  - Loss of employment floorspace,
  - Traffic and transport,
  - Access,
  - Landscaping,
  - Drainage, and
  - Bin storage
- 5.3. **Caroline Lucas MP** has also raised the following concerns:
- The loss of existing employment space
  - The high density of the development
  - Overlooking
  - Increase in noise pollution
  - Increase in traffic and congestion
  - Impact on the existing parking arrangements in surrounding streets
  - The unadopted and narrow access road does not seem adequate for either the development itself, or access to the properties were they to be used by rubbish collection services and emergency services.
- 5.4. Following amendments to the scheme, representations from **46** residents were received objecting to the proposed development, raising the following additional issues:
- Bats have been seen on site
  - Amended plans do not address fundamental concerns
  - Amendments tokenistic and cosmetic only
  - Stress and mental health impacts from the development
  - Existing Lincoln cottages road has no foundations
  - More obscured glass reduces outlook for existing occupiers
  - Inaccuracies stated in the 'Existing Site' section as numerous tenants who have not been served with notice to vacate their garages and units as stated in the report.
  - Whilst contracts can be terminated at 28 days notice some tenancy protected under the 1954 Landlord and Tenants Act.
  - The claim that only one of the garages is used for vehicular parking untrue
  - Development goes against the Hanover Low Traffic Neighbourhood (LTN) pilot scheme
  - Fundamentally against the BHCC Climate Change Emergency which was declared in 2018

- The construction vehicles would need to park on pavements over basements which is a safety concern
- Parking displacement through construction not addressed
- Bin smell, noise and intrusion through collection. No permission to site the bins in the current position
- Impact on protected birds (sparrows)
- The development should include a line of evergreen trees
- The development area has been used for community space, meeting place and space to enjoy homes and gardens in the area
- Plenty of good affordable houses being built elsewhere in the city - this tokenistic contribution to housing supply

5.5. A letter from a planning consultancy on behalf of **62 occupiers** has been received objecting to the amended application for the following reasons:

- Amended plans do not overcome primary concerns.
- Submission of non-determination appeal demonstrates the applicant's refusal to engage with community.
- Changes do not respond to Urban Design concerns.
- Lack of visual permeability
- Angled windows are a compromised design feature.
- Lack of outlook for future residents.
- BRE Daylight and Sunlight Report should be verified.
- Additional information on traffic and parking do not address the fundamental concerns.

5.6. Letters of representation have been received from **Councillor Gibson, Powell and Hills** objecting to the proposed development. Copies of these representations are attached to the report.

## 6. CONSULTATIONS

### Internal:

6.1. **Environmental Health: No objection**

We have looked at this site and reviewed the submitted Phase 1 Geoenvironmental Assessment Report from Brownfield Solutions Ltd. This report is generally acceptable for a planning desk study - however the report requires updating in regards to Radon gas. UKHSA launched the new radon map on 01/12/22 and levels in the site area using the new map are at 3-5 percent, not less than 1 percent. This impacts the potential protective measures that may be required.

6.2. We accept the main findings of the Desk Study and the recommendations for further work. Based upon this we recommend the following:

- 1) The standard contaminated land condition including a desk study, site investigation, a method statement for risk/remediation and verification.
- 2) An asbestos informative to ensure that potential asbestos within the buildings is addressed prior to demolition. This issue falls under the Health and Safety Executive.

*(We appreciate that a desk study has been submitted- however it is included in the condition due to the need for the radon section to be updated.)*

6.3. **Economic Development:** No Comment

6.4. **Planning Policy:** No objection

Updated comments received on 08/02/2023 to clarify position regarding employment use

Although it is acknowledged that there are some employment uses on part of the site, the principle of re-development of the site for residential use has been established through the allocation of the site in CPP2 policy H1 Housing Allocations and the loss of employment uses has been accepted. The applicant is therefore not required to justify the loss of other uses on the site. Residential development on this site is welcomed subject to other matters.

6.5. Previous comments (below) remain relevant.

Comments received 5 January 2023

- The site is allocated in CPP2 policy H1 for residential use; the principle of residential development has therefore been established.
- 9 dwellings would make a welcome contribution to the housing target; the proposed amount is considered acceptable for this site given the site constraints and characteristics of the wider neighbourhood.
- Provision of 9 dwellings would meet dwelling density targets set in CPP1 policy CP14.
- The provision of predominantly 3-bedroomed dwellings would help to meet the identified need for family housing.
- The financial contribution for affordable housing proposed is welcomed and should be secured by legal agreement.
- Requirements of DM1 appear to have been met
- Amenity impacts on neighbouring occupants require consideration.
- A car-free development with household and visitor cycle-parking is welcomed in this location.
- Various measures to enhance the biodiversity of the site are proposed and welcomed. The number of bird boxes/bricks provided should have regard to the Special Guidance A: Swift Boxes and Bricks and SPD11 Biodiversity and Nature Conservation. A Biodiversity Checklist should be requested.
- Soft-landscaping measures proposed, including productive planting, would significantly improve the green infrastructure on the site as well as providing opportunities for food production and biodiversity enhancements.
- Inclusion of opportunities for informal play within the shared public realm are welcomed.
- Proposed low/zero carbon energy measures are welcomed, as are measures to reduce water consumption. A Sustainability Checklist should be requested.
- Advice from the Lead Local Flood Officer should be sought in regard to the proposed SuDS strategy.
- New lighting should be the minimum necessary to ensure accordance with policy DM40.

- A Site Waste Management Plan should be secured by condition.
- 6.6. **Sustainable Drainage: No objection**  
We can recommend this application for conditional approval at this time. The requested information should be provided and found to be satisfactory for the proposed Condition(s) to be discharged.
- 6.7. Recommended conditions:
- Confirmation of the parties responsible for carrying out the proposed maintenance.
  - Existing predevelopment runoff levels and supporting calculations.
  - Confirmation of final drainage details, particularly the capacity of the proposed geocellular storage.
  - Further details of the foul drainage proposals; confirmation of the on-site sewer's connection capacity and condition, and that a gravity connection will be feasible, a CCTV survey may be used to gather evidence for this, and evidence that Section 106 approval has been applied for, and granted by Southern Water.
- 6.8. **Sustainable Transport: No objection**  
Further comments received on 24/03/2023 in response to amended plans and additional information
- 6.9. The proposal can be supported subject to the stated conditions and informatives.
- 6.10. Recommended conditions
- Cycle Parking
  - Construction Environmental Management Plan (CEMP)
- Comments received on the 22/02/2023
- 6.11. Further information required on the following items:
- wheelchair accessibility of the regraded access path
  - ambulance vehicle access
  - TRICS servicing data
  - Clarification of the current use of the lock-up garages
- 6.12. The proposal can be supported subject to the submission of satisfactory evidence on the above points and subject to the stated conditions and informatives
- 6.13. **Urban Design: Seek Amendments**  
Amended comments received 29/03/2023  
Most recent revisions include revised drawings, Design and Access Statement and a letter response inclusive of an urban design response. It is considered that some of the concerns raised previously have been addressed, however, there remains some outstanding concerns which require further development in order for this scheme to be fully supported from an urban design perspective.

- 6.14. Proposals continue to present a number of positive design attributes including:
- High aspirations for a well-considered landscape strategy with the potential for biodiversity net gains;
  - An overall appearance that has been informed by a local character study;
  - A zero car scheme and number of cycle parking that exceeds policy which encourages active travel;
  - A playful overall appearance which makes reference to the surrounding Hanover area without trying to replicate it.
- 6.15. However there remains a number of significant concerns with the proposed development:
- The site strategy and layout should be better optimised to respond to site constraints and opportunities;
  - The built form and massing should better respond to site constraints which the mews typology does not necessarily do effectively, and visual permeability should be increased through the site in relation to the built form and massing; - Daylight / sunlight levels in the living rooms of most properties falling below 50 percent of target requirements;
  - A low-carbon approach should be part of the development vision and sustainability strategy, inclusive of information on whole life carbon analysis and circular economy principles. Additional information was previously requested in this regard.
- 6.16. There are some less significant concerns as follows:
- The housing mix is not considered diverse which limits the housing offer
  - Little consideration of providing wider community benefit beyond the site boundary.

Comments received on the 08/02/2023

- 6.17. It is understood that pre-application advice has previously been sought but that formal urban design advice was not provided during pre-application stage.
- 6.18. There are some positive attributes to the proposals, as follows:
- High aspirations for well-considered landscape strategy with the potential for biodiversity net gains;
  - An overall appearance that has been informed by a local character study;
  - A zero car scheme and number of cycle parking that exceeds policy which encourages active travel.
- 6.19. However there are a number of concerns with the proposed development:
- The site strategy and layout should be better optimised to respond to site constraints and opportunities;
  - The housing mix is not considered diverse which limits the housing offer;
  - The built form and massing should better respond to site constraints which the mews typology does not do effectively, and visual permeability should be increased through the site;
  - Little consideration of providing wider community benefit beyond the site boundary.



- External:
- 6.20. **County Ecologist:** No objection subject to on-site ecological mitigation/compensation/enhancement being secured.  
Site of relatively low biodiversity interest. Buildings offer negligible bat roost potential but could become more suitable over time so a precautionary approach recommended with re-inspection prior to demolition; nesting bird check prior to clearance if during March-August nesting season; and securing wildflower green roofs, extensive green roofs incorporating bird, bat and invertebrate boxes, loggeries and timber piles and landscape planting.
- 6.21. **East Sussex Fire & Rescue Service Objection**  
Updated comments received 25/04/2023  
Following receipt of additional information detailed within Part 4 of the Design and Access Statement (February 2023) and the proposal to provide a compliant residential sprinkler or watermist system, access for fire appliances appears to be satisfactory.
- 6.22. The weight of fire appliances currently in use in East Sussex exceed the minimum carrying capacity for vehicle access routes specified in Table 8, Section 11, Part B5 of the Building Regulations, (Volume 1). The minimum carrying capacities should be increased to 17 tonnes for pumping appliances and 20 tonnes for high reach appliances with 27 tonnes for bridges or similar structure.
- Comments received 12/01/2023
- 6.23. The proposals detailed in the Design & Access Statement Part 4 (Fire Strategy) involve the installation of a horizontal dry fire main for fire access and firefighting purposes. East Sussex Fire and Rescue Service do not accept horizontal fire mains as an acceptable solution to restricted access.
- 6.24. When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS EN 16925, BS 9251 & BS EN 12845.
- 6.25. **Southern Water Comment**  
The exact position of the existing public combined sewer must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- 6.26. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.27. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

- 6.28. The developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

## **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 City Plan Part Two (adopted October 2022);
  - 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).

## **8. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development  
CP1 Housing delivery  
CP2 Sustainable economic development  
CP3 Employment land  
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  
CP16 Open space  
CP18 Healthy city  
CP19 Housing mix  
CP20 Affordable housing

#### Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix  
DM18 High quality design and places  
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  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

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

**Principle of the Development:**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. 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).
- 9.3. 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).
- 9.4. The site is allocated in CPP2 policy H1 for residential use and the principle of residential development has therefore been established. The addition of no.8 3-bedroom family dwellings and No.1 1-bedroom dwelling would be a benefit of

significant weight, making a relatively small, but important contribution towards the Council's housing target given the importance of making efficient use of sites.

### **Existing uses**

- 9.5. Although it is acknowledged that there are some employment uses on part of the site, the principle of re-development of the site for residential use has been established through the allocation of the site in CPP2 policy H1 Housing Allocations, and the loss of employment uses has been accepted. The applicant is therefore not required to justify the loss of other uses on the site. Notwithstanding this conclusion, the site is primarily used for lock-up storage, with five small studio/workshop units provided. While these do provide some employment use, it is limited, and on such a constrained site in a residential area the potential market for these units is small and it is considered better use could be made of the land for residential purposes, particularly noting the need for housing in the city.
- 9.6. Residential development on this site is welcomed, subject to consideration of other matters, as set out below.

### **Housing mix and affordable housing**

- 9.7. Policy CP19 of CPP1 seeks to 'improve housing choice and ensure that the appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city'. The scheme would be somewhat homogeneous in that it would provide an one-bedroom dwelling (11%) and eight three-bedroom dwellings (89%). While this is predominantly larger units, the city does have an identified need for family sized dwellings with annual monitoring indicating that smaller one- and two-bedroom dwellings form the predominant size of dwelling being brought forward across the city, largely due to flatted schemes coming forward. Therefore, whilst the scheme would not provide a particularly mixed range of dwelling types the scheme is small, and it would cater to those seeking larger homes. For these reasons, the delivery of a scheme providing predominantly three-bedroom units is welcomed and is considered to accord with CP19.
- 9.8. The applicant has submitted an affordable housing statement. This indicates that a financial contribution equivalent to 20 percent affordable housing will be provided which would accord with the requirements of CPP1 policy CP20. This is welcomed and would be secured by legal agreement if the appeal was allowed.

### **Density:**

- 9.9. It is acknowledged that policy H1 allocates the site for an indicative 18 units and that a scheme providing 9 units is proposed so the density of the proposed scheme would be lower than that of the allocation. The Planning Statement and Design & Access Statement submitted by the applicant indicate that alternative options to provide a higher quantum of housing were considered, with options rejected due to potential for design and amenity issues. The applicant states that the massing and scale of the proposal, as well as the type of housing to be provided, are more reflective of the character of the wider neighbourhood. This is accepted and the potential impacts of a denser scheme acknowledged.

Further, the provision of nine dwellings on this site would result in a density of 75 dwellings per hectare (dph) which exceeds the 50dph minimum density required by CPP1 policy CP14.

- 9.10. In this instance therefore, the provision of a lower amount of housing than the indicative amount identified in policy H1 is considered acceptable and to also maximise the development potential of the site, as required by CPP2 policy DM19.

**Site layout and scale of development**

- 9.11. As previously stated, the application site is highly constrained by existing residential development to all sides. Policy DM19 of CPP2 seeks to 'maximise opportunities for the development and use of land to ensure the efficient and effective use of available sites' through demonstrating that there is an appropriate mix of uses, residential density is optimised, building layout and design achieves efficient use of the site, and efficient use is made of land to provide for effective open space, amenity space, access and car parking.
- 9.12. The site measures some 25m in width X 42m in depth (excluding the access road). The proposed dwellings would be some 11m in depth, positioned around 6m from the north-western site boundary and 8m from the south-eastern, with front/rear gardens, the access and communal areas in between.
- 9.13. The submitted scheme follows a number of iterations during pre-application discussions including different site layouts, changes to materials and additional landscaping, in response to issues raised by planning and urban design officers. As noted above, Urban Design Officers still have concerns that the site strategy and layout could be 'better optimised to respond to site constraints and opportunities'.
- 9.14. However, on balance, eight family dwellings and one single unit would be provided on the site, along with private outdoor amenity space and a communal landscaped area, while minimising the impact on neighbours. It is considered that this represents an optimal use of the site that would make efficient use of the land to provide much-needed housing in this popular location, while providing sufficient amenity space, cycle parking and bin storage.

**Design and Appearance:**

- 9.15. The existing building is not of any historic or architectural merit. As such, its demolition to make way for a replacement building is considered acceptable.
- 9.16. The development proposed is a back-land development, surrounded by existing residential property on all sides, which is comprised predominantly of two storey dwellings with basements, appearing as three story when standing within the application site. Several of the surrounding properties have been further extended into the loft space. The site is visible from these neighbouring properties.
- 9.17. The surrounding properties are late Victorian era terraced houses. The houses on Lincoln Cottages have a mixture of plain facing brick or painted brick

frontages. Where the bricks are painted, a variety of colours have been used, which is representative of the wider Hanover area.

- 9.18. The dwellings on Lincoln Street, Southover Street and Ewart Street have predominantly painted render frontages, again in a variety of colours. However, 89 - 91 Lincoln Street has a full width brick wall ranging from approximately 1.5m high to 2.5 m high adjacent to the roadside, and the Hanover Centre on Southover Street is also a large brick-built building.
- 9.19. The proposed development is for 9 units comprising 8 three-storey buildings (with the third storey being recessed) with flat roofs and one one-storey dwelling with a mono-pitched roof. Amendments have been made over the lifespan of the application. This includes adding decorative brickwork in contrasting colour across the upper levels of the end elevations. These elevations are largely obscured at ground floor level by existing fencing to neighbouring properties. The decorative brickwork goes some way to enhancing the end elevations and breaking up its mass. It is not considered appropriate to add features such as windows to these elevations due to the resulting increase in overlooking. It is therefore considered that the decorative brickwork would be a useful feature on these buildings and helps to minimise the bulk of the side elevations.
- 9.20. All of the proposed units would be constructed using facing bricks. Two colours of brick are proposed to be used on alternate houses to break-up the mass and bulk of the terrace. The windows, front doors and bike stores would be painted a different colour on each house to create a sense of individual identity to each home, while also providing a visual link to the colour scheme used in the surrounding houses and wider Hanover area.
- 9.21. The use of facing brick and coloured features is considered appropriate in the context of the local streetscenes and wider Hanover area. Further details of the colour palette for the apertures and bin stores, and the two proposed facing bricks should be secured by condition if the overall scheme is considered acceptable.
- 9.22. The third floor of the three-story dwellings would be rendered, with a pale buff-coloured wash. This third storey is set back from the main front and rear elevation which breaks up the front and rear façade to minimise the 'bulkiness' of the development.
- 9.23. The windows to the first and second floor are asymmetrical which create a somewhat awkward, utilitarian appearance. Although these asymmetrical windows do not necessarily enhance the appearance of the proposed development, they do have a practical purpose of allowing natural light into the proposed dwellings, while minimising the views into neighbouring properties. Further, it is noted that the dwellings would not be visible from the public realm so would have no impact on the streetscene or character of the area.
- 9.24. The single-storey mono-pitched bungalow has been designed to minimise the impact on neighbouring properties on Lincoln Cottages which have sunken gardens. The mono-pitch roofline will reduce overshadowing to the gardens,

while still providing a good standard of living accommodation to future occupants of the proposed dwelling.

- 9.25. On this basis, therefore, while there have been some compromises in terms of the design of the scheme it is considered the benefits of these to the amenity of neighbouring residents would outweigh any impact the design of the buildings may have, noting that it is screened from offsite view.

**Standard of accommodation:**

- 9.26. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units to meet the Nationally Described Space Standards (NDSS).
- 9.27. The scheme would provide eight, 3-bedroom dwellings for four persons, and one, 1-bed two-person dwelling.
- 9.28. The accommodation for the three-bed houses would comprise an entrance hallway, open-plan kitchen/lounge/diner, and separate W.C to the ground floor. The first floor would comprise a double bedroom plus ensuite, single bedroom, family bathroom, and storage. The second floor would comprise a single bedroom.
- 9.29. The one-bedroom unit is comprised of an open plan lounge/kitchen/diner measuring 27.3sqm, bathroom, storage and bedroom measuring 13sqm.
- 9.30. The proposed residential units would therefore comply with this policy and meet the minimum floor areas required by the NDSS. More broadly, the living conditions provided are considered to be acceptable, with appropriate storage, circulation space and communal areas, and windows to all bedrooms and living spaces providing light and some outlook, albeit obliquely at upper levels due to the angled windows. This is an accepted approach to minimising the loss of privacy to neighbouring residents, while ensuring future residents are afforded views, so is considered acceptable.

**Private Amenity Space**

- 9.31. 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.
- 9.32. Each unit has its own private rear garden. Although these gardens are smaller than ideal, they are of a similar size to the rear gardens of the surrounding units and are considered appropriate in the context of this densely built-up area. Additionally, each of the units have access to the communal landscaped areas which are designed to encourage play.

Internal light:

- 9.33. On the whole, the scheme performs reasonably well in respect of daylight and sunlight for a scheme situated in a densely built-up area for future occupiers of the development.

- 9.34. External consultants BRE reviewed the daylight and sunlight studies ref 5171-R03 SA01 and 5171-R03 SA02 submitted by the applicant.
- 9.35. The BRE review concluded that all of the habitable rooms would meet the Average Daylight Factor (ADF) recommendations, which must be given significant weight, but that there may be some overheating/heat loss issues in the bedrooms if appropriate glazing/framing is not used. It is considered this would be adequately addressed at the Building Regulations stage in relation to energy efficiency requirements. Overall therefore the scheme is considered acceptable in terms of daylight/sunlight to future residents, particularly noting that Paragraph 125 of the NPPF advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards, which is the case).

**Landscaping:**

- 9.36. The site is currently comprised of hardstanding and buildings and contains no green infrastructure. The re-development therefore provides an opportunity to significantly improve green infrastructure on site. The Design & Access Statement sets out the various measures that will be incorporated including green roofs, trees and shrubs, all of which will enhance and improve the site, as required by CPP2 policy DM22, and are considered to contribute to the existing green infrastructure network, as required by CPP2 policy DM37. The planting selected also includes a range of edible species including crab apple trees, blackcurrant bushes and various herbs, with a detailed landscaping scheme to be secured by condition. This is welcomed and helps meet the requirements of CPP1 policy CP8(p) and CPP2 policy DM22(g). It is noted that the species selected for landscape planting include native and wildlife/pollinator-friendly species, as required by CPP2 policy DM22.
- 9.37. It is noted and welcomed that the hard-landscaping proposed includes some playable elements providing opportunities for informal play, helping to meet the requirements of DM22(g) and DM19(d) in relation to making an effective use of open space.

**Impact on Amenity:**

- 9.38. Policy DM20 of the CPP2 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.
- 9.39. A number of existing residential properties in the immediate vicinity have the potential to be impacted by the proposed development. These include:
- 61 - 87 (odd) Lincoln Street to the north of the application site
  - 10 - 14 Lincoln Cottage to the north-east of the application site
  - 13 - 39 (odd) Ewart Street to the south-east of the application site

Impact on light



- 9.40. As noted above, the proposed dwellings would be set back within the site, with the rear of dwellings on Lincoln Street to the north-west being some 10.5m away, and Ewart Street to the south-east some 14.2m away.
- 9.41. The BRE were instructed to review the daylight/sunlight report provided by the applicant as part of the application submission. They concluded that:
- 9.42. 61 - 87 (odd) Lincoln Street: the dwellings are north-west of the application site. A total of five rooms would be below the daylight distribution guideline if the scheme is granted. However, two of the five rooms are bedrooms and therefore less important for daylight distribution, while the other impacted rooms are two living rooms and one kitchen area. The impact on the three rooms ranges between minor and moderate. Overall, BRE have confirmed that the loss of sunlight resulting would accord with BRE guidelines.
- 9.43. 10 - 14 Lincoln Cottage - All but one of the habitable rooms would meet the daylight distribution guidelines. The one room is a kitchen at No.12 Lincoln Cottages which would be marginally below the 0.8 times the area of direct skylight it currently receives (before/after ratio of 0.79), so the BRE guidelines would be met.
- 9.44. 13 - 39 (odd) Ewart Street - four basement level kitchen/dining spaces at 23,25,27 and 29 Ewart Street would be below the daylight distribution guidelines. However, the impact is assessed as minor – i.e. would meet BRE guidelines.
- 9.45. In summary, a total of ten rooms are considered to be affected by a reduction in daylight due to the proposed development. The impact on all but one of these rooms is considered to be minor, so would fall within BRE Guideline limits, and the one room more severely affected would have a minor to moderate reduction in daylight, but overall the impact falls within BRE Guidelines.
- 9.46. It is unlikely that any development in a site as constrained as this would not have an impact on natural light to adjoining properties. However, this proposal has been designed in a way to minimise loss of light through the setting back of the built development within the site and minimising its bulk, and it is considered successful in this regard.
- 9.47. Attention is once again brought to Paragraph 125 of the NPPF which advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

#### Overshadowing of gardens

- 9.48. The scheme has the potential to result in the loss of light to adjacent residential gardens, particularly at Lincoln Cottages, given its location to the north-west. BRE guidelines recommend that at least half the area of a garden or amenity space should receive at least 2 hours of sunlight on March 21. If, in an existing outdoor space, the area receiving at least two hours of sunlight is less than this and less than 0.8 times the former area, then the loss of sunlight is significant.

- 9.49. No. 87, 81 and 79 Lincoln Street to the north-west of the application site would be below these BRE guidelines. However, no. 87 and 81 Lincoln Street have only a small area able to receive at least two hours of sunlight on 21 March currently and are therefore the impact is considered to be minor. At 79 Lincoln Street the impact is assessed as moderate.
- 9.50. Assessment of the gardens to the northeast of the proposal at Lincoln Cottages was not presented but the gardens to these properties are more likely to receive more sunlight than those in Lincoln Street due to their more easterly aspect.
- 9.51. The reduction of sunlight to the gardens of these three properties is unfortunately. However, as only one of the gardens will be moderately impacted, it is considered that on balance the overall benefits of the scheme outweigh this moderate harm to one property.

#### Overlooking

- 9.52. A degree of overlooking is to be expected in a site such as this which is surrounded by residential buildings and would have been considered when the site was designated for development.
- 9.53. Asymmetrical bay windows are proposed to minimize the level of overlooking. The large, fixed element of the window would be obscure glazed, whereas a smaller opening window would be angled at 60 degrees to the neighbours, so the sightlines are longer.
- 9.54. Although there would be some loss of privacy when compared with the existing, as can be expected with the introduction of residential development on the site, it would not be to a degree that would be unexpected in a densely built-up residential area such as Hanover. As such, the impact would not be considered to warrant refusal of the application and does not outweigh the benefits of the scheme.

#### Other Matters

- 9.55. Concerns raised in public objections regarding noise and disturbance during construction are acknowledged. It is recommended that a Demolition and Construction Environmental Management Plan (CEMP) is secured by condition. The Council also has powers under separate legislation to respond to complaints regarding unreasonable noise or disturbance.
- 9.56. Concerns were raised more generally over increased noise, disturbance and light pollution. However, the site is allocated for residential use so the principle of this, and the resulting disturbance, has already been considered acceptable. While there would be some increase in these impacts, this is not considered so significant as to warrant refusal of the application, particularly when compared with the existing permitted employment use of the site.

#### **Sustainable Transport:**

- 9.57. 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).

- 9.58. Access to the site is limited to pedestrian only, which is considered acceptable. A series of small ramps approximately 3m long with a gradient of 1:12, separated by 1.2m flat areas would address the steep topography of the site and enable access to the site for those with mobility impairment.
- 9.59. No parking is provided on site for this development. SPD14 states that the maximum car parking standard for 3 bedroom dwellings within 'Key Public Transport Corridor' is 1 space per dwelling and 0.5 spaces per 1 bed dwelling, plus 1 space per 2 dwellings for visitors. No on-site car parking is proposed, so the lack of parking is policy compliant.
- 9.60. Concerns have been raised by local residents regarding the impact on parking. The site is situated within Controlled Parking Zone (CPZ) V, which restricts on-street parking from 9am to 8pm every day for those without resident permits. This would already act to control overspill parking in the area, and has an average permit uptake of 90.2 percent, indicating there is limited on-street capacity within the zone.
- 9.61. It is not considered appropriate to impose the car-free condition requested by the LHA because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and the transport team can issue an amendment to the TRO to restrict the issuing of permits separate to the planning process. It is recommended an informative is attached to the permission advising of this.
- 9.62. There are a number of Disabled bays in the vicinity and any visitors who are Blue Badge holders would be able to park on double yellow lines for up to 3 hours, as well as in shared use and pay & display bays.
- 9.63. It is considered unlikely that the development will generate an excessive increase in deliveries across the day, and there will be minimal impact on the highways network.
- 9.64. Enterprise Car Club operates in the area. The nearest car club bay is on Ewart Street which is within 300m (4 min walk).
- 9.65. The site is located within the Key Public Transport Corridor Area and is therefore considered to generally have very good access/connectivity to public transport services.
- 9.66. Cycle parking is provided for each of the proposed dwellings, which is considered acceptable. However, further details are required and a condition to secure these details is recommended.
- 9.67. Individual wheel bins would be transferred on the day of collection to a temporary storage area on the flank wall of 14 Lincoln Cottages for collection within a few

meters of the public highway where the refuse lorry will stop. This strategy is considered acceptable.

**Sustainability:**

- 9.68. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. Energy and water efficiency standards in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

**Other Matters**

- 9.69. A number of neighbours have contacted the Local Planning Authority stating that bats had been seen on site.
- 9.70. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 9.71. The County Ecologist has reviewed the Preliminary Ecological Appraisal (PEA, Phlorum, March 2023) and concluded that the buildings currently offer negligible bat roost potential, although it is noted that some current potential roost features that are sub-optimal, could become more suitable for bats over time.
- 9.72. A precautionary approach is therefore recommended to minimise any residual (considered to be very low) risk to bats. If the Committee grants permission for this scheme, then a condition is recommended for re-inspection of the site prior to demolition by a suitably qualified ecologist (SQE) and stripped under an ecological watching brief.
- 9.73. Concerns have been raised as to the impact of the proposed development on the structural integrity of existing buildings. This is not a material planning consideration and would be covered another regulatory regime (the Party Wall Act).
- 9.74. A condition is recommended to remove certain 'permitted development' rights to ensure that future alterations to the buildings are carried out with full consideration of the appearance of the site and any impact upon neighbours.
- 9.75. The space provided on the flat roofs would be limited by the proposed solar panels. However, a condition is recommended to ensure that access to the areas of flat roof is for maintenance/emergency purposes only and to prevent this area from being used as a roof terrace or similar, which would give rise to potentially significant harm to the amenity of neighbours.
- 9.76. A condition to secure an updated contaminated land desk top study is recommended. The current submitted report requires updating in regards to Radon gas.
- 9.77. Concerns have been raised regarding land ownership, but this is not a material consideration in the planning process.

- 9.78. A number of representations have highlighted concerns over the consultation process undertaken by the applicant. While consultation is encouraged as part of the planning process, it is not required, though it is noted that in this instance the applicant did carry out public engagement.

## **10. CONCLUSION**

- 10.1. The proposal would bring forward a redevelopment of the site to provide nine dwellings, with the provision of housing for the city to be given increased weight in determining the application. Eight of the nine dwellings would have three-bedrooms, which would address an identified need in the city, where many of the schemes coming forward are for smaller flatted accommodation.
- 10.2. While the site is small and tightly constrained, it is considered that the development proposed would make an efficient use of the site, without unacceptable impacts on neighbours. The built footprint would be set back from the site boundaries, and the scheme would be predominantly two storeys in height, with a smaller third storey set back from the roofline. This would help to minimise impacts on neighbours, with angled windows helping to reduce the actual and perceived risk of overlooking from the site. While the design of the buildings is simple and not necessarily of the highest quality, the constraints of the site are acknowledged, and they would not be visible from the public realm. Various elements have been incorporated into the scheme to increase the biodiversity of the site, which is beneficial, given its current coverage with hardstanding and buildings.
- 10.3. The development would result in a change in outlook for neighbouring residents, including some loss of light and increase in disturbance. However, as is set out above, this is not considered sufficient to warrant refusal of the application, and would be the case with any efficient redevelopment of the site to accord with its allocation for residential development.
- 10.4. On balance therefore, the approval of the application is recommended, if the Planning Committee had the power to make the decision.

## **11. EQUALITIES**

- 11.1. All the proposed dwelling would be 'Accessible and Adaptable' to the standards of Building Regulation M4(2). As the site is located on a steep slope. A series of lightly inclined ramps with a level platform to the front of each dwelling is therefore proposed to facilitate wheelchair access.

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

- 12.1. Policy DM37: Green Infrastructure and Nature Conservation of the CPP2 states that 'development proposals will be required to demonstrate that they safeguard

or and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.'

- 12.2. The policy goes on to state that 'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'
- 12.3. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 12.4. The site is not designated for its nature conservation interest but lies within the Brighton to Lewes Downs Biosphere UNESCO Reserve. The site lies within the impact risk zones of Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI) and Castle Hill SSSI, but does not contain supporting habitat for either SSSI, or the Biosphere. Whitehawk/Race Hill Local Nature Reserve (LNR) lies c. 947m west, Stevenson Road Quarry Local Wildlife Site (LWS) lies c. 674m south east, Brighton Greenway LWS lies c. 819m west, Woodvale, Extra-mural and Downs Cemeteries LWS lies c. 902m north east and London Road Station LWS lies c. 981m north west. Given the nature, scale and location of the proposed developments, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest.
- 12.5. The site is dominated by buildings (garages) and hard standing, with small amounts of emergent ruderal vegetation around the boundaries and across some of the hard standing. Overall, the site is of relatively low biodiversity interest, although there is some potential for protected species.
- 12.6. Various measures have been incorporated into the proposal to enhance the biodiversity value of the site, including wildflower green roofs, native trees and shrubs, wildlife/pollinator friendly planting, hedgehog highways, loggeries, and bird and bat boxes/bricks.
- 12.7. The use of heat pumps and solar panels further reduce reliance on fossil fuels and further improve the environmental credentials of this scheme.
- 12.8. Overall, these measures are welcomed and help to meet requirements of CPP1 policies CP10.2(c) and CP8.2(j), and CPP2 policy DM37 and would improve the biodiversity of the site.

### **13. COMMUNITY INFRASTRUCTURE LEVY**

- 13.1. 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

£31,344.16. 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.







## PLANNING COMMITTEE LIST

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

**Cllr David Gibson**  
**BH2022/03810 – 15-26 Lincoln Cottages**

#### **15<sup>th</sup> January 2023:**

Please place on record my objection as one of the Ward Councillors to the above application for the following reasons:

- It is overdevelopment. This is already one of the most densely packed areas of Brighton with narrow streets and little buffer between houses.
- The scale, massing and density is too much.
- It is of a poor architectural design and out of keeping with the character of the area. Possible maintenance issues in terms of green roofs. Poor window designs highlight the attempt at overdevelopment.
- It will significantly impact neighbouring properties; in terms of overlooking/the loss of privacy, the loss of daylight/sunlight, too much noise and light pollution. No back to back garden for the Lincoln Street side of the development. No sound insulation in Hanover homes or streets as noise ricochets off closely packed buildings built from poor materials.
- It will lead to a loss of existing employment floorspace – the artist's studios and workshops which are in current use, and the impact on the running of the Hanover Garage Car repair business.
- It provides insufficient landscaping and drainage strategies.
- There will be a transport and traffic impact: deliveries and visitors will increase given the car-free development, and the steep hill. Restricted access to the site in terms of a narrow 9 ft unadopted road unsuited to potential development use.
- Emergency vehicles restricted access. Fire hose might be ok, but what if a fire engine is needed? This is very important.
- An inappropriate and insufficient bin storage arrangement: 18 big bins blocking the alleyway and relying on residents to drag them back and forth every week is unacceptable. It will further restrict access of emergency vehicles.

If officers are minded that this is heard at committee, then please extend an invite so that I can voice this points in person.

#### **28<sup>th</sup> March 2023:**

Following conversations with residents (who have taken planning advice, I wish to submit further comments following recent amendments to the plans:

- A major concern is still overdevelopment. Developers had an opportunity to put forward a plan on a smaller scale, with more varied living units, but failed to do this.
- The amendments put forward in response to the Urban Design recommendations do not take into account the views articulated by those directly affected by the proposals.
- The properties in the revised plans are the same height and density to those in the original proposals, despite the numerous concerns raised previously.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

- The three storey, flat roofed buildings are too large for site and the number of dwellings is too great.
- The density of the development will impact neighbouring properties, particularly the new street front close to the backs of homes on Lincoln Street.
- The terrace of buildings would also create more overshadowing on the Lincoln Street side.
- While the development is car free, an increase in traffic servicing the site is likely to negatively impact those living in nearby streets.
- The new proposals do not respond to community's request for greater landscaping in a meaningful way.
- The refuse storage is insensitively positioned against the wall of a property in Lincoln Cottages. This could lead to piles of rubbish gathering in a narrow lane impacting this property and other properties nearby.
- The proposed amendment will put angled windows, with opaque glass, on both upper floors facing Lincoln Street. This unusual design will offer an extremely compromised outlook to those who come to live in this proposed development.
- The architectural design differs from other properties nearby, thus altering the character of the area.

The small adjustments to the plans do not address the significant problems and concerns of residents. This dense development could still cause significant harm and loss of amenity to the local community and therefore the plans should be rejected.

I am concerned about

1. The failure of the developers to engage meaningfully with local residents
2. That they have failed to devise a scheme which provides for affordable housing and appear to have designed a scheme to avoid providing affordable units for our community
3. That they have not engaged constructively with the council and adopted an antagonistic stance by pressing on with an appeal for non determination.

Please reject the application



## PLANNING COMMITTEE LIST

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

**Cllr. Elaine Hills**  
**BH2022/03810 – 15-26 Lincoln Cottages**

#### **22<sup>nd</sup> January 2023:**

I wish to lodge a councillor's objection to the proposed development at Lincoln Cottages. I consider the scale and density of the proposals to be an overdevelopment of the site, in one of Brighton's already most densely populated areas. Other reasons to object are:

- Neighbouring properties will be impacted by a loss of light and privacy, with the proximity of the new houses to some existing properties unacceptable.
- Windows on the first and second floors of houses in the new development would overlook the rear windows and elevations of houses nearby. The green roof areas could be used by the residents of the new properties as roof terraces, which would give direct views into neighbouring windows and gardens as well as being a potential noise nuisance.
- While the development is car free, there is likely to be an increase in an already constrained area, due to extra deliveries and visitors.
- The track onto the site is too narrow for the scale of the development. Emergency access will be difficult, and fire engines will not be able to access it.
- The refuse storage arrangement is inappropriate. The bins for the entire site are going to be situated in the narrow alleyway close to the back doors of properties on Lincoln Street and next to a property on Lincoln Cottages. This will negatively effect residents living there; there is likely to be waste odour and noise from the storage area, and there are fears that it could become a hotspot for fly tipping.
- There are concerns about the management of drainage on the site. The ongoing maintenance of the SuDS scheme needs to be set out more clearly to ensure that the site is not at risk long-term of flooding.
- The design of the properties is out of keeping with the Victorian architectural style of Hanover.
- Floorspace has been lost to small businesses; former longstanding occupiers of studios and workshops in the space have been driven out by the developers.

I am willing to speak on this at committee.





## PLANNING COMMITTEE LIST

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

**Cllr. Steph Powell**  
**BH2022/03810 – 15-26 Lincoln Cottages**

#### **15<sup>th</sup> January 2023:**

Please place on record my objection as one of the Ward Councillors to the above application for the following reasons:

- It is overdevelopment. This is already one of the most densely packed areas of Brighton with narrow streets and little buffer between houses.
- The scale, massing and density is too much.
- It is of a poor architectural design and out of keeping with the character of the area. Possible maintenance issues in terms of green roofs. Poor window designs highlight the attempt at overdevelopment.
- It will significantly impact neighbouring properties; in terms of overlooking/the loss of privacy, the loss of daylight/sunlight, too much noise and light pollution. No back to back garden for the Lincoln Street side of the development. No sound insulation in Hanover homes or streets as noise ricochets off closely packed buildings built from poor materials.
- It will lead to a loss of existing employment floorspace – the artist's studios and workshops which are in current use, and the impact on the running of the Hanover Garage Car repair business.
- It provides insufficient landscaping and drainage strategies.
- There will be a transport and traffic impact: deliveries and visitors will increase given the car-free development, and the steep hill. Restricted access to the site in terms of a narrow 9 ft unadopted road unsuited to potential development use.
- Emergency vehicles restricted access. Fire hose might be ok, but what if a fire engine is needed? This is very important.
- An inappropriate and insufficient bin storage arrangement: 18 big bins blocking the alleyway and relying on residents to drag them back and forth every week is unacceptable. It will further restrict access of emergency vehicles.

If officers are minded that this is heard at committee, then please extend an invite so that I can voice this points in person.

#### **28<sup>th</sup> March 2023:**

I wish to submit further comments following recent amendments to the plans:

- A major concern is still overdevelopment. Developers had an opportunity to put forward a plan on a smaller scale, with more varied living units, but failed to do this.
- The amendments put forward in response to the Urban Design recommendations do not take into account the views articulated by those directly affected by the proposals.
- The properties in the revised plans are the same height and density to those in the original proposals, despite the numerous concerns raised previously.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

- The three storey, flat roofed buildings are too large for site and the number of dwellings is too great.
- The density of the development will impact neighbouring properties, particularly the new street front close to the backs of homes on Lincoln Street.
- The terrace of buildings would also create more overshadowing on the Lincoln Street side.
- While the development is car free, an increase in traffic servicing the site is likely to negatively impact those living in nearby streets.
- The new proposals do not respond to community's request for greater landscaping in a meaningful way.
- The refuse storage is insensitively positioned against the wall of a property in Lincoln Cottages. This could lead to piles of rubbish gathering in a narrow lane impacting this property and other properties nearby.
- The proposed amendment will put angled windows, with opaque glass, on both upper floors facing Lincoln Street. This unusual design will offer an extremely compromised outlook to those who come to live in this proposed development.
- The architectural design differs from other properties nearby, thus altering the character of the area.

The small adjustments to the plans do not address the significant problems and concerns of residents. This dense development could still cause significant harm and loss of amenity to the local community and therefore the plans should be rejected.

# **ITEM C**

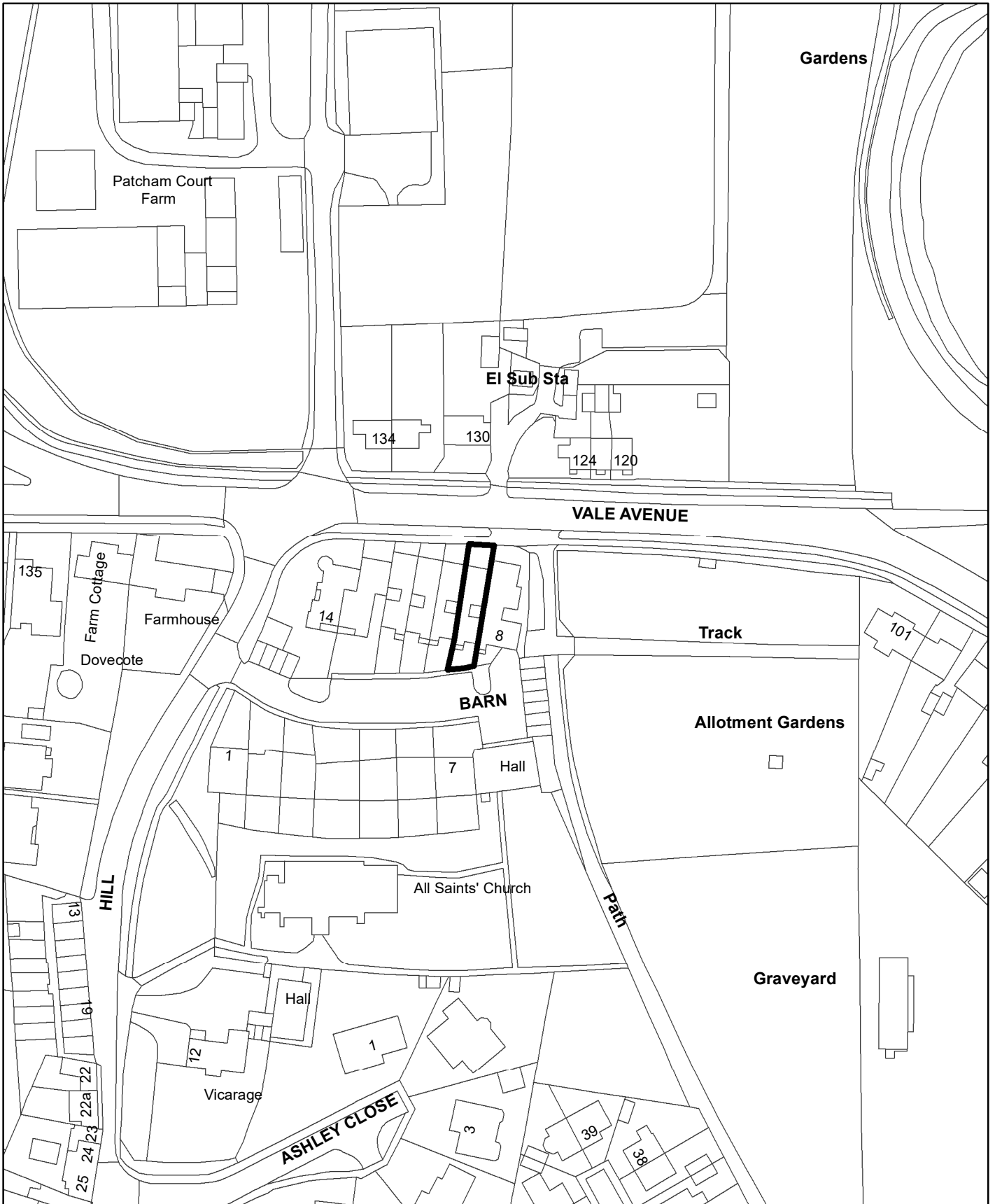
**9 The Village Barn, Church Hill  
BH2023/00953  
Householder Planning Consent**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**





# BH2023 00953 - 9 The Village Barn



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00953</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>9 The Village Barn Church Hill Brighton BN1 8YU</b>		
<b><u>Proposal:</u></b>	<b>Installation of glazed roof to atrium, and roof alterations incorporating the addition of solar panels and rooflights.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	26.04.2023
<b><u>Con Area:</u></b>	Patcham	<b><u>Expiry Date:</u></b>	21.06.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	09.08.2023
<b><u>Agent:</u></b>	Jones Projects Holly Tree House Cuckfield Road Burgess Hill RH15 8RE		
<b><u>Applicant:</u></b>	Ka Ming Martina YU & Gum Bong Gabriel LAU 9 The Village Barn Church Hill Brighton BN1 8YU United Kingdom		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan			28 March 2023
Location Plan			26 April 2023
Proposed Drawing	Plans & Elevations		18 July 2023

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 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 DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. The proposed southern facing rooflight windows of the development hereby permitted shall be:

- Obscure-glazed, unless the parts which are clear-glazed are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
- 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.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of 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. SITE LOCATION**

- 2.1. The application relates to an unlisted building within a terrace in the Patcham Conservation Area. The Village Barn is a short cul-de-sac with similar modern houses (nos. 8-14) on the north side. The development was converted from a small barn in the 1980s, however appears wholly modern in character, including substantial modern additions. Permitted development rights were removed for the dwelling when the original residential development was approved.
- 2.2. The southern elevation of the dwelling faces the Village Barn building to the south of the site, a locally listed heritage asset which forms the principle historic significance of the site. Formally a listed building, the Barn has a long, low form, with flint and brick walls and a slate roof. The building is believed to be the longest surviving barn in England, although it was completed in stages.
- 2.3. However, it was converted in the 1980s to residential use (nos. 1-7), a process which involved substantial changes, including the insertion of rooflights and the loss of the original roof structures. The building was subsequently de-listed.

## **3. RELEVANT HISTORY**

- 3.1. None

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks permission for the installation of a glazed roof to the existing atrium, and roof alterations incorporating solar panels and the addition of rooflights in association with the creation of habitable accommodation in the roofspace. 2x new rooflights are proposed to the southern elevation and 1x new rooflight to the northern elevation. The solar panels are proposed to the rear southern roofslope and the flat valley roof area.

- 4.2. The plans have been subject to some relatively minor amendments during the life of the application with revisions to the siting of the solar panels and rooflights and the deletion of the air source heat pump from the plans.

## 5. REPRESENTATIONS

- 5.1. **Ten (10)** letters have been received objecting to the proposed development for the following reasons:
- Out of character with locale
  - Impact on heritage assets
  - Loss of symmetry
  - Impact on slate rooflines
  - Impact on views
  - Sets a precedent for further development
  - Misleading plans/ description
- 5.2. Objections relating to local covenants are noted, however are not material planning considerations.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection The house itself is of no historic significance. Very minor harm would be caused to the adjacent locally listed building's setting and the setting of the conservation area.

### External:

- 6.2. **Brighton and Hove Archaeological Society:** Comment The development is unlikely to affect any archaeological deposits. However, the buildings and area maybe listed or have important historical aspects that may need to be protected. Recommend contacting County Archaeologist for comment.
- 6.3. **County Archaeologist:** No objection No significant archaeological remains are likely to be affected by the 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 City Plan Part Two (adopted October 2022);

- 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).

## **8. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

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

#### Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix  
 DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM26 Conservation Areas  
 DM28 Locally Listed Heritage Assets  
 DM29 The Setting of Heritage Assets  
 DM31 Archaeological Interest  
 DM44 Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
 SPD09 Architectural Features.  
 SPD12 Design Guide for Extensions and Alterations  
 SPD17 Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the impact of the alterations on:
- the character and appearance of the building,
  - the setting of heritage assets including the Patcham Conservation Area,
  - impact on residential amenity and
  - sustainability impacts.

#### **Design and Appearance:**

- 9.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 9.3. Furthermore, alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should respect the special interest of the asset.
- 9.4. The application building itself is considered to have minimal historic significance. However, the locally listed Village Barn building is within the setting of the application site.
- 9.5. The proposed solar panels and southern facing rooflights, due to their proposed placement on the modern roof form, would not be highly visible when viewed from the ground directly adjacent to the building. Furthermore, the roof alterations would only be visible when looking away from the locally listed building, so they would not be viewed in context or impact on its setting. There may be some visibility of the roof alterations from the allotments to the east, however, again they would not be seen in context with the locally listed Barn.
- 9.6. The existing roof is visible from Church Road to the south however the alterations to the southern elevation would be set well down from the ridge line and therefore would be barely visible from Church Road or within the wider Patcham Conservation Area.
- 9.7. The small rooflight proposed to the rear, facing Vale Avenue, would sit comfortably within the roofslope and would not add unacceptable visual clutter and is therefore considered to be acceptable. The installation of a glazed roof to the atrium is considered acceptable. It would not be seen from the public realm and therefore has no impact on the conservation area or adjacent locally listed building.
- 9.8. Given the above, any impact on the setting of the locally listed building and the Patcham Conservation Area would be of a very minor nature. The Council's Heritage Officer has no objections to the proposal, and the scheme is therefore considered acceptable in design terms. It is considered that the rooflights should be of conservation style with steel or cast metal frames, colour-finished black or dark grey and fitted flush with the adjoining roof surface to ensure an acceptable visual impact. This can be secured by condition.

**Impact on Amenity:**

- 9.9. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.10. The impact on the adjacent properties has been fully considered in terms of impact on daylight, sunlight and outlook and no significant harm has been identified from the proposed alterations.
- 9.11. In terms of privacy, it is considered that the proposed front southern roof lights would potentially give views into the neighbouring atrium area, which is very private as existing. Therefore, it is recommended that these rooflights are

obscure glazed and fixed shut to prevent overlooking. This can be secured by condition. There would still be outlook achieved to the loft bedroom from the proposed front rooflight.

**Standard of Accommodation:**

- 9.12. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwelling and bedroom size. It is noted that the loft room created would be approximately 25m<sup>2</sup> in floor area, with 14m<sup>2</sup> above 1.5m head height, and 5m<sup>2</sup> above 1.8m head height. Therefore, head height may feel somewhat restricted, however it would meet the NDSS for bedroom size, and given that it's an additional bedroom within an existing dwellinghouse it is considered acceptable.
- 9.13. It should also be noted that permitted development rights were removed for this dwelling when it was granted permission in the 1980s, whereas it is acknowledged that most single dwellinghouses benefit from permitted rights and would not need planning permission for rooflights to convert a loft space.

**Sustainability:**

- 9.14. All development proposals should address climate change and seek to maximise opportunities for on-site electricity and heat production from solar technologies. The proposed solar panels are a renewable energy source. The development would therefore play a part in the drive to reduce carbon emissions, reduce energy costs to occupants, improve the city's energy resilience and support the growth of green jobs in accordance with policy CP8 of City Plan Part Two.

**Conclusion:**

- 9.15. It is acknowledged that there is a statutory presumption against granting permission for any development which would cause harm to a conservation area or heritage assets. The statutory presumption can be outweighed by material considerations powerful enough to do so. The level of harm would clearly be very minor in this case and less than substantial under the terms of the NPPF.
- 9.16. It is noted that the proposal is considered to positively contribute towards meeting the objectives of the City Plan policies in terms of energy efficiency and renewables. As such, it is considered that the benefits of the scheme far outweigh the very minor impact on the heritage assets in this case. Approval of the application is therefore recommended.

**10. EQUALITIES**  
None identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. Solar panels are proposed which are a renewable energy source. The proposed rooflights and glazing would allow additional daylight and sunlight, reducing the reliance on artificial means of heating and light.



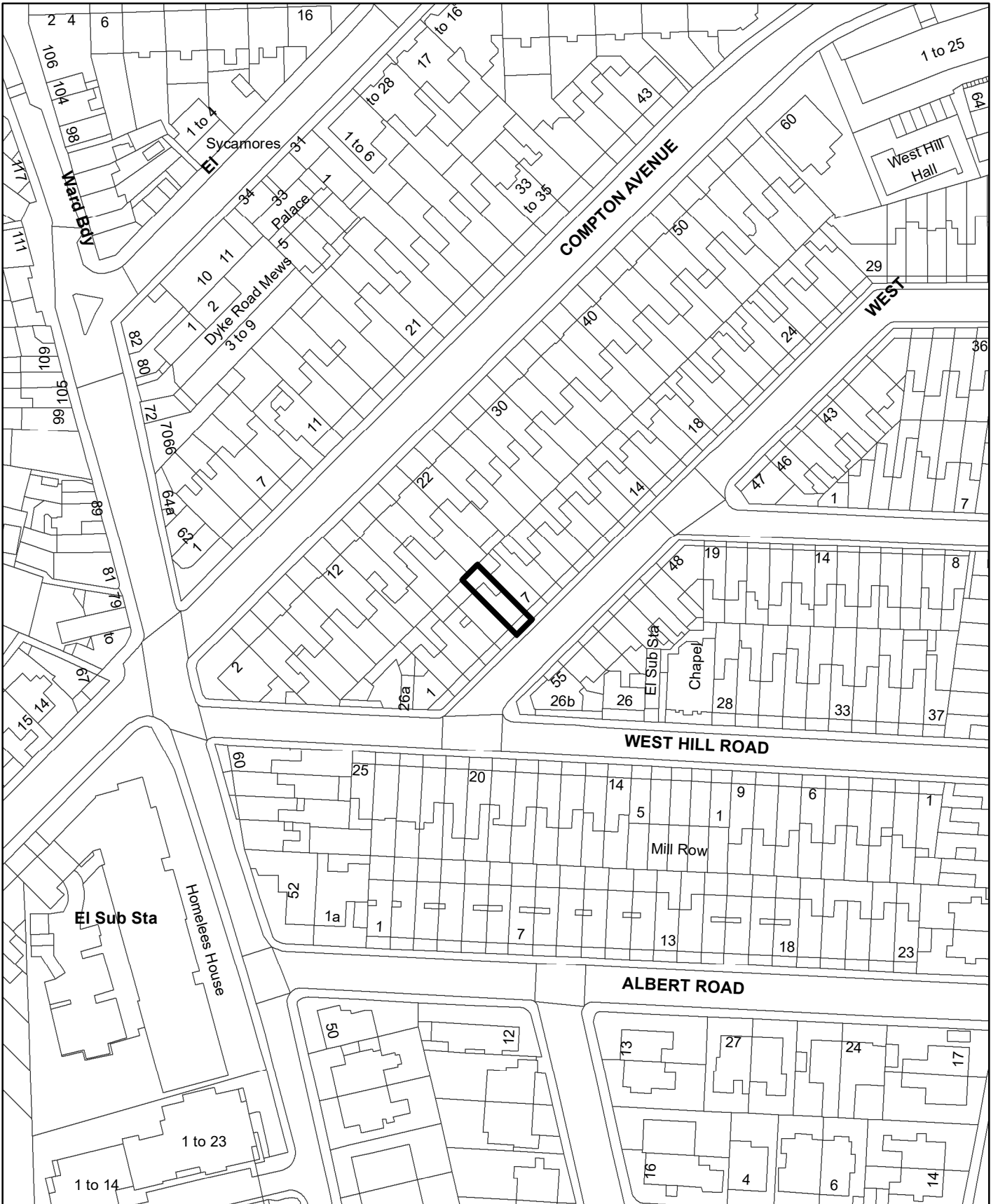
# **ITEM D**

**6 West Hill Street  
BH2023/01539  
Householder Planning Consent**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**



# BH2023 01539 - 6 West Hill Street



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/01539</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>6 West Hill Street Brighton BN1 3RR</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension, revised fenestration and insertion of two new sky lights to rear outrigger.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	30.05.2023
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	25.07.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Michael Friel Architects 67 Church Road Hove BN3 2BD		
<b><u>Applicant:</u></b>	Leila Boubetra 6 West Hill Street Brighton BN1 3RR		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	PL-001		30 May 2023
Proposed Drawing	PL-008	B	10 July 2023

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

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

3. The external finishes of the development hereby permitted, other than the glazing type, shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

**2. SITE LOCATION**

- 2.1. The application relates to no.6 West Hill Street which is a terraced two storey dwellinghouse with an existing two storey outrigger. No.6 is situated on the northwest side of West Hill Street.
- 2.2. The site is located within the West Hill Conservation Area and is within the area covered by the West Hill Article 4 Direction, which restricts the works that can be carried out under householder permitted development. It is noted that the Article 4 Direction does allow windows and doors to the rear to be changed without the need for planning permission.
- 2.3. To the rear of West Hill Street rooflights and rear dormers and side infill extensions are commonplace.

**3. RELEVANT HISTORY**

- 3.1. BH2005/01714/FP Roof conversion to include 1 front conservation style rooflight and rear dormer. New doors and windows at rear ground floor. Approved 24.08.2005
- 3.2. **BH2017/01387** Alterations to front elevation including replacement of existing UPVC windows with UPVC sash windows including new mouldings and cills and reinstatement of rendered parapet and pilaster. Approved 09.08.2017

**4. RELEVANT HISTORY AT OTHER SITES**

- 4.1. **BH2016/05877** (no.13) Erection of single storey rear infill extension. Approved 03.03.2017

- 4.2. **BH2015/01641** (no.33) Erection of single storey rear infill extension 06.08.2015
- 4.3. **BH2012/03712** (no.44) Erection of single storey rear extension and installation of rooflights to front and rear roof slopes. Approved 25.02.2013
- 4.4. **BH2010/01442** (no.7) Erection of single storey extension to rear. Approved 12.07.2010
- 4.5. **BH2010/00171** (no.5) Erection of single storey extension to rear and railings to front elevation. Approved 31.03.2010

## 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the erection of a single storey, mono-pitched rear infill extension, with white render painted walls and timber doors painted white with three side rooflights. Permission is also sought to revise the fenestration on the ground floor and first floor elevations, these windows are proposed to be timber framed and painted white, matching the existing windows. Lastly permission is sought for the insertion of two new sky lights to the roof of the existing rear outrigger.
- 5.2. Previously the works extended across the boundary with no.7, however amendments have been made to the plans removing the previously proposed changes to the boundary wall and as a result the works are now solely in the curtilage of no. 6.

## 6. REPRESENTATIONS

- 6.1. **Six (6)** representations have been received, objecting to the proposal on the following grounds:
- Overshadowing
  - The rear window will have a detrimental impact on neighbours' amenity.
  - Poor design
  - Adversely affects a Conservation Area.
  - Detrimental affect on property value.
  - The frosted glass could be altered at a later date.
  - Too close to the boundary.
  - Consultation not carried out correctly.
- 6.2. **One (1)** representation has been received, supporting the proposal on the following grounds:
- There are lots of similar extensions in the area.
  - Good design.

## 7. CONSULTATIONS

None

## **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 City Plan Part Two (adopted October 2022);
  - 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).

## **9. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

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

SS1 Presumption in Favour of Sustainable Development  
CP10 Biodiversity  
CP12 Urban design  
CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM26 Conservation Areas  
DM31 Archaeological Interest  
DM37 Green Infrastructure and Nature Conservation

#### Supplementary Planning Documents

SPD09 Architectural Features  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations

## **10. CONSIDERATIONS & ASSESSMENT**

- 10.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the



building, the surrounding area, the impact on the conservation area and on the amenities of adjacent occupiers.

- 10.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

**Design and Appearance:**

- 10.4. The proposed extension would be located at the rear of the property and would infill the space between the existing two storey outrigger and the boundary with no.7.
- 10.5. The garden levels are stepped with decking. The pitched roof extension when measured from the extensions ground floor level has a maximum height of approximately 3.4m, an eaves height of approximately 2.5m and a depth of approximately 4.2m. The mono pitched roof is pitched away from the boundary with no.7 and would have three rooflights within its slope. The extension would not extend beyond the depth of the extension at no.7. The extension would be in keeping with the other rear extensions in the street, these also often contain rooflights/roof lanterns, similar to the proposed extension.
- 10.6. The extension would be modest in depth and would not extend beyond the existing outrigger and would have a subservient relationship with the existing building. Suitable garden space would still be provided, and the extension would sit well within the plot and not result in over-development of the site.
- 10.7. It would be set to the rear of the dwelling so there would be no views from the public realm and therefore, no resultant impact on the character and appearance of the wider Conservation Area.
- 10.8. The extension materials would match the existing property and therefore would be in keeping with the appearance of no.6 and the rest of the terrace. A condition will secure the materials match the existing but allow for the double glazing of the windows and doors.
- 10.9. An additional first floor window is proposed to the rear elevation of the existing two storey outrigger. This would serve the existing bathroom and is annotated to comprise obscure glazed. It is acknowledged that a window to the rear at first floor of the outrigger is not commonplace within the immediate area, however to the north-east of the site there are eight examples in the terrace of windows and doors in such a location. The addition of the window is considered acceptable from a design perspective, lining up with the windows below and following the design and style of the existing windows. The similarity of the proposed window to the existing is welcomed and is considered to be in keeping.

- 10.10. The alterations from a door to a window at ground floor level to the rear elevation of the existing outrigger, are considered acceptable, given the window is at ground floor level, the materials match the existing windows and they would not be highly visible to the surrounding properties or visible from the public realm.
- 10.11. The addition of rooflights to the outrigger roof would have a neutral impact on the appearance of the property, given its rooftop location.
- 10.12. The side window is to be removed from the outrigger at first floor level. This removal would also have a neutral impact on the appearance of the dwellinghouse due to its lack of visibility from the streetscene and its side elevation location.
- 10.13. On this basis, the proposal would be in accordance with SPD 09, SPD12, CP12 and CP15 of City Plan Part One and DM18, DM21 and DM25 of City Plan Part Two.

**Impact on Residential Amenity:**

- 10.14. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 10.15. With regard to amenity, no significant adverse impacts are expected as a result of the development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy and no significant harm has been identified.
- 10.16. The outrigger did not previously have a first-floor window to the rear so there is some impact on the closest neighbours. Nevertheless, the rear of these properties in West Hill Street form part of a dense and confined urban grain, where elements of mutual overlooking between properties are commonplace. Furthermore, there are examples along the terrace of windows in the rear outrigger. The overall relationship is considered relatively comfortable and not inherently overbearing or intrusive. For this reason, and whilst acknowledging that the window at first floor level presents a slight increase in overlooking of neighbouring gardens, the impact of the new obscure glazed window would not be so harmful to the neighbours to warrant refusal.
- 10.17. It is also a material consideration that a new window opening in a rear facing elevation of a single dwellinghouse, such as the application site, could be installed without the need for planning permission subject to the materials of the frames matching those of the existing fenestration (it is only upper floor windows in a side elevation that need to be obscurely glazed and non-opening). Given that planning permission would not be required for the rear window a condition requiring the window to be obscure glazed and to be retained as such has not been considered appropriate.

- 10.18. The ground floor window and door would not cause additional impacts on neighbouring amenity given their ground floor nature and would provide views mainly into the garden area of the host property.
- 10.19. The rear extension would not be of a greater depth than the extension at no.7 and is separated from no.5 by the existing two storey outrigger. This matching depth with the extension of no. 7, combined with the low height at the boundary (approximately 2.5m at the boundary from ground floor level) the extension would not cause additional overshadowing for no.7 or other neighbouring properties. The existing two storey outrigger at no.6 already causes some overshadowing for no.7. The addition of the infill extension will not exacerbate the overshadowing beyond the existing situation.
- 10.20. The rooflights in the extension roof and the outrigger roof will be of a high level. The height combined with the angle will mitigate any opportunity for a view which would significantly impact on neighbouring amenity.
- 10.21. Overall it is considered that for the reasons set out above, the development would not cause such significant harm to the amenity of neighbours to warrant refusal and as such complies with Policy DM20 of the Brighton and Hove City Plan Part 2.

#### **Other Considerations**

- 10.22. It is noted that a local resident has raise concerns about the consultation and publicity undertaken in relation to the application. It is confirmed that consultation of neighbours has been carried out correctly, with neighbour letters sent to adjacent properties including those to the rear of the application site.
- 10.23. Representations have also raised concerns that the proposal would be detrimental to property values. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this planning application.
- 10.24. The site is within an Archaeological Notification Area but the proposal does not meet the threshold for a formal consultation. County Archaeology have been contacted by the applicant/agent, and have confirmed that they do not require the Local Planning Authority to consult directly with East Sussex County Archaeology Team, when determining this application.

- 11. EQUALITIES**  
None identified

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

- 12.1. 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. A suitably-worded condition

will be attached to secure a bee brick within the proposal in order to help meet the requirements of Policies CP10 and DM37, and SPD11.

### **13. COMMUNITY INFRASTRUCTRE LEVY**

- 13.1. 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 of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

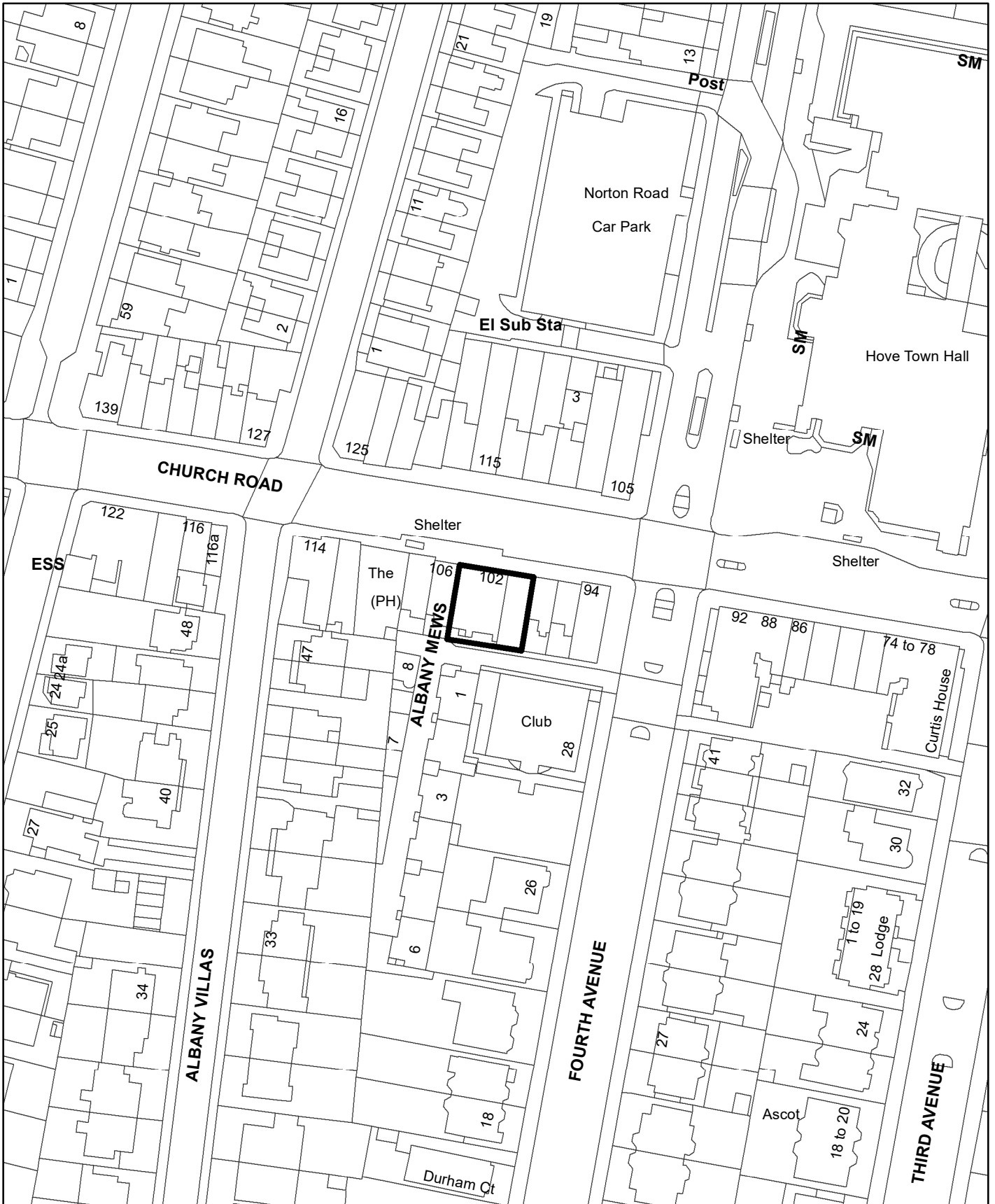
# **ITEM E**

**100-104 Church Road  
BH2023/00722  
Full Planning**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**



# BH2023 00722 - 100-104 Church Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2023/00722</b>	<b><u>Ward:</u></b>	<b>Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>100 - 104 Church Road Hove BN3 2EB</b>		
<b><u>Proposal:</u></b>	<b>External alterations including changes to rear lift shaft, louvres and boundary wall, installation of new plant and associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	09.03.2023
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	04.05.2023
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Alder King Planning Consultants Pembroke House 15 Pembroke Road Bristol BS8 3BA		
<b><u>Applicant:</u></b>	Sainsbury's Supermarkets Ltd 33 Holborn London EC1N 2HT		

## 1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	Noise Impact Assessment	3	4 May 2023
Location and block plan	100	B	9 March 2023
Proposed Drawing	109	B	9 March 2023
Proposed Drawing	111	T	11 July 2023
Proposed Drawing	113	D	9 March 2023
Proposed Drawing	200	N	11 July 2023
Proposed Drawing	201	M	9 March 2023
Proposed Drawing	230	K	11 July 2023
Proposed Drawing	231	A	9 March 2023
Proposed Drawing	251	G	11 July 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the works to the rear lift shaft and boundary wall hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part Two, and CP15 of the Brighton & Hove City Plan Part One.

4. Noise associated with external 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 the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014 (or the relevant updated Standard).

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove 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 should be aware that whilst the requisite planning permission may be granted, this does not preclude the obligations and responsibilities the applicant has under the Equalities Act 2010.

## **2. SITE LOCATION**

- 2.1. The application relates to the ground floor and basement of four-storey terraced buildings on the southern side of Church Road. The site covers three addresses, 100, 102 and 104 Church Road, which at present are amalgamated as one single retail unit (Class E), with two entrances onto Church Road.
- 2.2. The buildings are Grade II listed and are located within The Avenues Conservation Area. The site is also located within Hove Town Centre as designated within the development plan.

## **3. RELEVANT HISTORY**

- 3.1. **BH2023/01128** (Listed Building Consent) - Installation of replacement signage to front elevation. Approved

- 3.2. **BH2023/01127** - Display of 2no internally illuminated fascia signs, 1no externally illuminated projecting sign and window mounted vinyl signs. Under Consideration
- 3.3. **BH2023/00723** (Listed Building Consent)- Internal and external alterations including changes to rear lift shaft, louvres and boundary wall, installation of new plant and associated works. Under Consideration
- 3.4. **PRE2023/00021** - Interior and exterior alterations, including works to the front and rear of the retail unit. Response issued
- 3.5. **BH2022/02650** - Internal and external works comprising replacement lift and shaft, installation of new plant and louvres to rear, alterations to layout, revisions to access and associated alterations. Withdrawn
- 3.6. **BH2022/02649** - Internal and external works comprising replacement lift and shaft, installation of new plant and louvres to rear, alterations to layout, revisions to access and associated alterations. Withdrawn

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

- 4.1. Planning permission is sought for external alterations to the rear, including changes to the lift shaft, louvres and boundary wall. The application also includes the replacement of existing (currently unauthorised) plant units and associated works.
- 4.2. The application is to facilitate re-occupation of the unit for continued retail (Class E) use, and no change of use is therefore proposed.
- 4.3. During the course of the application the plans have been amended to remove the outwards re-hinging of the front doors, to address the objection from the Transport consultee. In addition, an updated noise report has been prepared to address the concerns raised by Environmental Health colleagues.
- 4.4. A concurrent application for Listed Building Consent (BH2023/00723) is under consideration.

#### **5. REPRESENTATIONS**

- 5.1. **Five (5)** letters of objection, have been received raising the following concerns:
  - Some elements of the proposals are welcomed
  - No deliveries or servicing to the rear is a positive
  - Concerns regarding disturbance from the proposed plant units
  - Concerns regarding the methodology of the noise assessment as the measurements were taken at the front of the premises and not the rear where the issues previously arose.

Note: Following the consultation of the application, an updated noise survey has been carried out at the rear.

## 6. CONSULTATIONS

6.1. **Environmental Health:** First comment 18th April 2023: Further information required

The proposed Noise Assessment uses an inappropriate location for the baseline sound survey and is therefore not sufficient to demonstrate there would not be a harmful impact upon neighbours arising from the proposals.

Update 8th June 2023: No objection

6.2. The updated Noise Assessment uses sound methodology and is considered to satisfactorily demonstrate that the proposed plant would not have a significant harmful impact upon neighbouring occupiers.

6.3. A condition should be attached to secure operation of the plant at or below existing baseline levels, and consideration should be given to restricting the hours and location of servicing and deliveries by condition.

6.4. **Heritage:** First comment 5th April 2023: No objection

This application follows a recent history of unacceptable proposals by previous occupiers, and pre-application advice was provided to the current applicant earlier this year.

6.5. The current proposals incorporate feedback given at pre-application stage.

6.6. No objection is raised to the proposed external alterations, which would result in a net heritage gain and are welcomed. Conditions should be added to ensure the material finishes match the existing building.

Update 11th July 2023: No objection

6.7. The proposed arrangements for the double entrance have been amended, and the doors are now proposed to open inwards, with the sliding internal doors deleted from the scheme. The Heritage Team confirms that this is acceptable.

6.8. **Sustainable Transport:** Verbal comments: Objection

The proposed doors would open outwards onto the public highway (the footway). This will result in an increase in risk to the safety of other highway users, that may be struck unexpectedly by the door(s) when opened. The door(s) may also be left unattended and open on the public highway, causing obstruction and nuisance to highway users. This would be contrary to the Highways Act 1980 and therefore the door(s) may be subject to highway enforcement due to their danger to the public.

## 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 City Plan Part Two (adopted October 2022);
  - 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).

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP4 Retail provision  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP11 Flood risk  
CP12 Urban design  
CP13 Public streets and spaces  
CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM12 Regional, Town, District and Local Shopping Centres  
DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM23 Shopfronts  
DM26 Conservation Areas  
DM27 Listed Buildings  
DM33 Safe, Sustainable and Active Travel  
DM36 Parking and servicing  
DM40 Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
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 design, appearance and heritage impact of the proposals and the impact upon neighbouring amenity.

### **Principle of Development:**

- 9.2. No change of use is proposed - the site would remain in its current retail (Class E) use. This is supported in principle as the site is located within the Hove Town Centre, within which retail uses are encouraged as per Policy CP4 of the City Plan Part One and Policy DM12 of the City Plan Part Two.

### **Design, Appearance and Heritage:**

- 9.3. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.4. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given “considerable importance and weight”.
- 9.5. During the course of the application the proposed arrangement for the double front entrance has been amended. These doors would now be retained on the existing inward opening hinges, and with the previously proposed internal sliding doors deleted from the scheme. This is to address concerns raised by the Transport consultee regarding the potential for obstruction of the footway. The Heritage consultee has confirmed there would be no objection to this change.
- 9.6. As amended, the proposed external alterations relate to the rear elevation only. These works comprise:
- The raising of the existing lift shaft (at ground floor level) by 0.28m to meet the level of flat roof behind and the blocking up of the lift shaft doors, to be finished in render and standing seam roof material to match existing.
  - The removal of the existing gas cooler and lean-to housing.
  - The removal of the existing unauthorised A/C plant units.
  - The removal of one of the existing gates, to be re-walled to match the existing boundary wall.
  - The addition of penthouse louvres to the area of flat roof at first floor, serving basement plant.
  - The addition of two fan condenser units, sited at ground floor behind the boundary wall.

- Associated 'tidying-up' works including the removal of unused conduits and vents, and the replacement of wire mesh openings at ground level with louvres.
- 9.7. The proposals are considered to better rationalise the currently cluttered and unsympathetically altered rear elevation of the building, and are considered acceptable in terms of design, appearance and Heritage. The proposed 'penthouse louvres' would not be readily visible behind the existing parapet.
- 9.8. Individually the alterations would make a small contribution to the appearance of the site, but cumulatively the proposals are considered to result in a significant improvement to the appearance of the rear elevation of the grade II listed building, enhancing its appearance from the public realm and benefitting the Avenues Conservation Area in accordance with Policies CP12 and CP15 of the City Plan Part One and Policies DM21, DM26 and DM27 of the City Plan Part Two.
- 9.9. Conditions are recommended to ensure acceptable materials and finishes for the proposed external alterations. Subject to compliance with the conditions, the proposed alterations are considered acceptable in terms of design and impact on the Conservation Area.
- Impact on Amenity:**
- 9.10. Policy DM20 of the City Plan Part Two 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.
- 9.11. The site is currently host to a number of unauthorised A/C plant units which are understood to have caused a number of complaints from local residents due to noise disturbance. This is subject to an ongoing investigation by both the planning enforcement team and Environmental Health teams.
- 9.12. The proposals would involve the removal of these existing plant units, and their replacement with two externally located fan condenser units.
- 9.13. The original Noise Assessment submitted with the application was reviewed by the Environmental Health consultee, who raised concerns regarding part of the methodology used, in particular the location chosen for the baseline sound survey being some distance from the closest neighbours to the site. Objecting residents raised similar concerns during the consultation period.
- 9.14. An updated Noise Assessment was subsequently provided and reviewed by Environmental Health. This second survey used a more appropriate location for the baseline at the rear and is considered to be sound in terms of methodology. The results of the survey indicate that the proposed new plant should not have any significant impact on the nearest residential receptors. Conditions are recommended to ensure operation is within acceptable sound levels not exceeding the existing baseline. On this basis it is considered that

the proposals would comply with Policies DM20 and DM40 of the City Plan Part Two.

- 9.15. The concerns raised by public objections are noted. The removal of the existing unauthorised plant is anticipated to be beneficial in terms of the noise environment for close neighbours of the site. The impact of the proposed replacement plant has been robustly assessed within the submitted Noise Assessments, reviewed by the Environmental Health consultee and found to be acceptable. The proposals are therefore considered to alleviate the problems of the existing arrangement, and the recommended conditions will allow the Council a greater degree of control compared to the existing arrangement in the event of any subsequent enforcement complaints.
- 9.16. Environmental Health comments have also regarding conditions that would ensure the deliveries and servicing takes place at the front of the store and that the timings are in line with the store operating hours. As the proposal does not include a change of use, it is not considered that the imposition of conditions restricting the timings or location of deliveries would be reasonable or necessary since the operator could use the store presently without planning permission. The site is located within a designated retail/commercial area where servicing and deliveries to units are commonplace and to be expected.
- 9.17. Nevertheless, it is noted that the applicant has stated that deliveries will take place from Church Road rather than Albany Mews. It is also noted that the proposed works to the rear lift shaft would effectively remove its potential for use in stock replenishment.

**Sustainable Transport:**

- 9.18. As set out above, the Transport consultee objected to the original submission on the grounds of the proposed outwards opening doors being a potential highways obstruction.
- 9.19. In response to these concerns, the scheme has been amended to retain the doors on their existing, inwards-opening hinges. The Transport consultee has confirmed no objection to the amended proposals, on this basis.

**Conclusion:**

- 9.20. The proposal is supported in principle as it would make for continued occupation of a retail unit within the designated Hove Town Centre. The proposed external alterations are considered to cumulatively result in a significant improvement to the appearance of the grade II listed building and the Avenues Conservation Area. The replacement of the existing unauthorised plant units would have a beneficial impact upon neighbouring amenity, and on the basis of the amended plans there is no objection from the Local Highways Authority.
- 9.21. Approval is therefore recommended, subject to conditions.

**10. EQUALITIES**



10.1. The proposed double doors will open automatically, improving accessibility into and out of the building. The pavement outside the site is uneven in places however it is recognised that this is the existing situation.

**11. CLIMATE CHANGE/BIODIVERSITY**  
No issues identified.



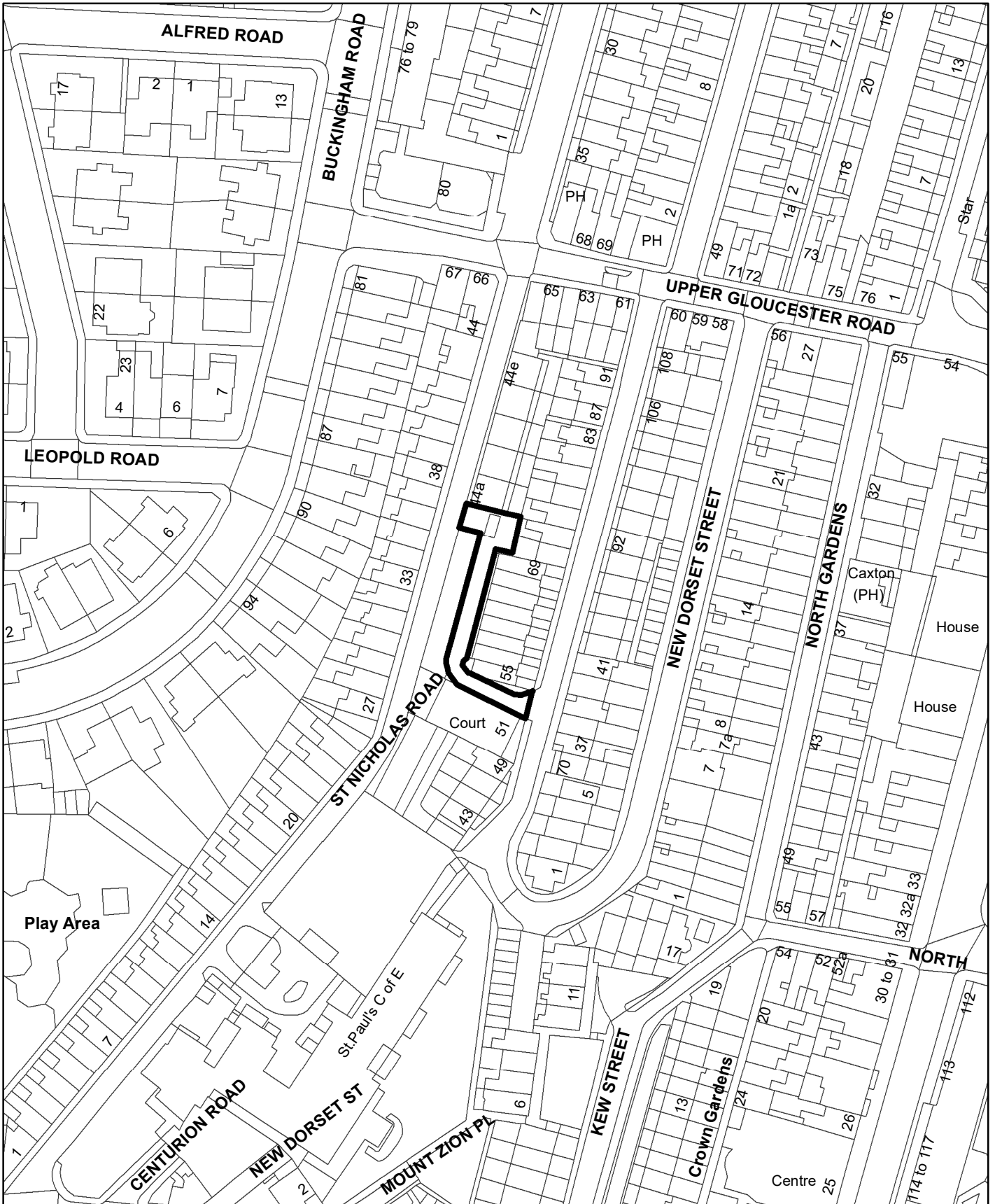
# **ITEM F**

**Land Rear of 69 Centurion Road  
BH2023/00789  
Full Planning**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**



# BH2023 00789 - Land Rear Of 69 Centurion Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00789</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Rear Of 69 Centurion Road Brighton BN1 3LN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage building and erection of new garage.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	23.05.2023
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	18.07.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Deacon And Richardson Architects 253 Ditchling Road Brighton BN1 6JD		
<b><u>Applicant:</u></b>	Cintsa Ltd Amelia House Crescent Road 253 Ditchling Road Brighton BN11 1QR		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	3807.PL.01	B	17 May 2023
Proposed Drawing	3807.PL.02	B	27 June 2023

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 garage hereby approved shall only be used for the storage of domestic goods and the parking of a vehicle. The internal dividing wall to the garage as outlined on 3807.PL.02B received on 27 June 2023 shall be implemented prior to first occupation and shall be retained in situ thereafter. At no time shall the shall the garage be used by a business for any commercial activity.

**Reason:** To preserve the amenities of local residents and to prevent overparking in the locality and to be in accordance with polices DM20, DM33 and DM36 of the Brighton & Hove City Plan Part Two.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

5. 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 DM41 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.
3. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>.

## **2. SITE LOCATION**

- 2.1. The application site refers to the single detached garage at the rear of 55-69 Centurion Road. The properties of 55-69 Centurion Road are three storey and have a shared access to a rear parking area. The properties all have integral garages, with the exception of no. 55, which historically had the use of the stand-alone garage. It is noted that No.55 does not currently have use of the garage which is now in a separate ownership. The site is not listed or locally listed. The site is located within the West Hill Conservation Area and covered by the West Hill Article 4 Direction which restricts some permitted development rights to dwellinghouse frontages within the conservation area.

## **3. RELEVANT HISTORY**

- 3.1. BN78/1185 (LBC/CA)



- 3.2. Demolition of existing industrial buildings and builders yard and erection of 8 terraced houses (7 with garages under and rear access and one with additional room on lower ground floor and detached garage). Approved 31.10.1978

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

- 4.1. The application seeks planning permission for the demolition of the existing pitched roof detached garage and construction of a new larger garage with a flat roof.
- 4.2. The proposed garage would also be brick-built albeit with a flat roof and larger footprint. The application has been subject to amendments which have slightly increased the footprint of the garage and changed the orientation of the garage door from the east elevation back to the south elevation where it is currently. The applicant has advised that garage will be used for the storage of personal items and parking of a vehicle.

#### **5. REPRESENTATIONS**

- 5.1. **Fifteen (15)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
  - Detrimental impact on property value
  - Noise and disturbance from use and vehicular movements
  - Overdevelopment
  - Too close to boundary
  - Alignment of garage door will mean narrow entrance for garage.
  - Potential for collision with neighbouring boundary walls
  - Impacts would be greater than the existing garage.
  - Adverse effect on listed building
  - Adverse effect on conservation area
  - Poor design
  - Applicant does not live here; application is purely for money.
  - Use of the space as a rented parking space would cause problems for existing residents.
  - Overdevelopment
  - Residential Amenity
  - Garage has only been used for domestic purposes for 40 years.
  - Garage should not have a commercial storage purpose which would be inappropriate in this location,
  - Light pollution
  - Air pollution
  - Security risk to neighbours
  - Garage will impact on neighbours' ability to maintain boundary walls
  - Overshadowing
  - Restriction of view

- Inappropriate height of development
  - Traffic or Highways impacts,
  - Council owns the large retaining wall between the rear of Centurion Road and St Nicholas Road, and this will impact on the maintenance of the wall.
  - Council own land next to retaining wall.
  - Historic issues of illegal parking in this area.
  - Contrary to policies DM18, DM21 and DM40.
  - Obstructs existing users.
  - Reduction in safety
  - Entrance should not be repositioned.
  - Notice no served on Council Asset management team.
  - If approved, the larger garage should not be able to be rented out or the adjacent parking area.
  - No exceptional circumstances for a 'personal use'.
  - Larger space means there could be more uses (e.g. parking and space for DIY).
  - Use should be linked to 55 Centurion Road.
- 5.2. Following the receipt of amended plans and further information a second round of consultation was undertaken, a further 17 representations of objection were received. There were no new objections received following the reconsultation and the above summary addresses all of the consultation responses
- 5.3. **Councillor McLeary** has objected to the planning application. A copy of their representation is attached to the report.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection  
This garage is in a courtyard surrounded by a high mostly post-war houses and on the northwest side by a high brick embankment dating from perhaps the late C19 or early C20. Though it is in the West Hill Conservation Area the building and its setting is of no historic significance.
- 6.2. No harm would be caused to the historic significance of the conservation area by this development and there is no objection to it on Heritage grounds.
- 6.3. **Sustainable Transport:** No objection  
The Sustainable Transport Team initially objected as the design allowed the applicant to park two vehicles, exceeding the maximum parking standards. The revised proposal is considered acceptable following the division of the garage into one parking area only and storage space.
- 6.4. The inclusion of a CEMP/DEMP (Construction Environmental Management Plan/Demolition Environmental Management Plan) condition is requested as

we have concerns regarding the narrow access point (from Centurion Rd) to this location.

## **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 City Plan Part Two (adopted October 2022);
- 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).

## **8. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP15 Heritage

Brighton & Hove City Plan Part Two:

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM26 Conservation Areas  
DM33 Safe, sustainable and active travel  
DM36 Parking and servicing  
DM41 Polluted sites, hazardous substances & land stability

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Nature Conservation & Development  
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 a larger garage in this location in terms of the design, appearance and impact on the West Hill Conservation Area and also impacts in relation to residential amenity and parking.
- 9.2. The application has been amended since it was originally submitted with changes to the size and layout of the garage and the placement of the garage door. A site visit was carried out in June 2023 and the car park was in use at the time.
- 9.3. The amendments have seen the garage become larger than the original proposed garage which was already going to be larger than the existing garage (15.5sqm). The proposed change is garage footprint is now from 15.5sqm to 45.98sqm. This is approximately 6.5sqm larger than what was originally proposed as an increase in footprint (39.34sqm). In terms of the repositioned door, this change was made in response to the consultation received and officer feedback that the change of location of the door was not necessary. The final change to the plans (internal dividing wall) was made in direct response to the comments from the Highway Authority.
- 9.4. The description of the application has been amended to remove the reference to '(Class B8)', the use set out in the covering letter from the applicant clearly demonstrates intent to use the garage on a personal basis rather than a commercial one. Retaining the reference to B8 would have created a conflict with the condition above restricting the use of the garage for non-commercial purposes.
- Principle of garage:**
- 9.5. The existing garage is used for storage and parking purposes and as raised in the representation has been recently sold. A detached garage was originally erected as part of the 1978 planning permission, details outlined in the planning history section. It is understood that this was used in connection with number 55 which did not have an integral garage. The representations highlight that the garage was sold in May 2022. There is a condition on the planning decision from 1978 which states:  
*"(3) Each house shall be occupied as a single dwelling unit only and each garage shall be used only as appurtenant to a private dwelling and for no commercial purpose".*
- 9.6. The condition does not specify that the garages are to be used in connection with specific properties or a particular 'private dwelling' that was approved under BN78/1185 (LBC/CA). There are no surviving plans of the development held by the Council, only the decision notice.
- 9.7. The supporting statement from the planning agent for the application specifically highlights the applicant's intent for the proposed garage to be used as for parking and or storage and specifies items to be stored as those which you would likely find within a domestic garage. Furthermore, it is recommended that a condition is attached that restricts commercial use of the

proposed garage. Introducing a commercial use into this rear parking area that is in close proximity has the potential to give rise to noise and disturbance through the intensification of the garage use. This is considered to be an important restriction on the garage given the location and access route to the highway from the garage.

- 9.8. The principle of a garage in this location with a purpose subsidiary to a residential property is therefore long established and is not proposed to change through this proposed development and would be restricted with the suggested condition above. Therefore, there is no concern with the principle of providing an enlarged garage for parking and storage purposes.

**Design and Appearance:**

- 9.9. The application site is within an existing parking and garage area to the rear of 55-69 Centurion Road. The area is tarmacked. There are existing parking bays and bollards within the parking area.
- 9.10. The development proposes demolition of the existing garage and construction of a new garage with a larger footprint. The garage would infill the space between the existing west wall of the garage and the high retaining wall. The proposed garage would be of brick construction with a typical garage door. No other openings or access points are proposed. The flat roof would be a single ply roof membrane. These are considered appropriate materials for a garage. The form, siting and design of the garage are considered appropriate and would not detract from the appearance and character of the wider site in accordance with development plan policies.
- 9.11. A condition is also recommended, regarding contaminated land ensuring that if contaminants are discovered during construction, given the former builders yard use of the site, these are investigated and dealt with in a manner to be agreed by the Local Planning Authority in writing as required by the suggested condition. This would be in accordance with development plan policies.

**Impact on Conservation Area:**

- 9.12. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.13. The Heritage Officer has reviewed the garage and does not consider that the West Hill Conservation area is affected by the proposals. Further consultation was undertaken on the revised proposals, but no additional comment was received. The proposed garage would not be readily visible from the public highway on Centurion Road, and it is not considered that it would have a harmful impact on the Conservation Area.

9.14. There is no change of use proposed and as such there is not impact on the character of the conservation area in that regard. Overall, the proposal is considered to preserve the conservation area in accordance with the NPPF and policy DM26 of the City Plan Part Two.

**Impact on Amenity:**

9.15. It is acknowledged that the garage as initially proposed sought to provide two parking spaces, however this is now reduced to one space. Therefore, there is no increase in parking provision.

9.16. It is not considered that the enlarged garage would give rise to any significant increase in noise or disturbance which would harm neighbouring amenity. It is noted that the representations are concerned about an increase in light and air pollution. The amended scheme only provides a single parking space (like the existing garage) and there are no windows therefore the only light pollution could occur from the garage door which is in a similar position to the existing garage door.

9.17. The proposal would accord with the aims of policy DM20 and DM40 of the City Plan Part Two.

**Landscaping & Biodiversity:**

9.18. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9.19. The proposal includes a small, raised planting bed which would introduce some greenery into the area. If the planting bed is planted with 'bee friendly' plants then it would have the added benefit of further encouraging biodiversity into the area.

**Sustainable Transport:**

9.20. The Highway Authority initially had concerns that the increased size of the garage could allow for overparking, this has been addressed through the inclusion of an internal wall to the structure and the retention of this internal wall as part of the layout is recommended to be secured by condition to prevent vehicular access to the west side of the garage.

9.21. The Highway Authority have also requested the inclusion of Construction and Demolition Management plans by condition citing that the narrow access to the site could be a cause for concern during construction. Given the scale of the proposal it is not considered that this would be an appropriate condition to attach.

9.22. The amended garage design is considered acceptable and in accordance with policies DM33 and DM36 of the City Plan Part Two.

**Other Considerations:**

- 9.23. It is noted that the representations cite that the applicant is a company rather than a person. This is not a material planning consideration relevant to the application.

**10. EQUALITIES**

- 10.1. None identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- Bee brick condition
- Raised planting bed at side of garage

**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. The exact amount of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.







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

PLANNING COMMITTEE LIST

**Cllr. Ellen McLeay**  
**BH2023/00789 - Land Rear Of 69 Centurion Road**

**12<sup>th</sup> June 2023:**

There are a number of concerns that residents have shared with me regarding this planning application, and the key item for me would be the issue of change of use – going from domestic storage to that of business storage and distribution - B8 - Storage or distribution.

Later in the application they are asked, does this proposal involve the carrying out of industrial or commercial activities and processes? They state No, when earlier in the application there is reference to the building purpose being for storage and distribution. I would also like to highlight that this application is being made by a business.

In addition, the planned development to this building would result in a garage three times the size of the original garage building. There is concern that this will place significant pressures on the manoeuvrability of other vehicles that use the driveway for the terrace of houses, 55 to 69 Centurion Road. The driveway enables off-street parking for the residents of the terrace.

Finally, there is concern by residents that the scale-up in size of this property is out of place in what is a conservation area consisting of residential housing. I would recommend that this be investigated as to why the applicant requires the building to scale-up so dramatically if it is indeed for “personal use”.



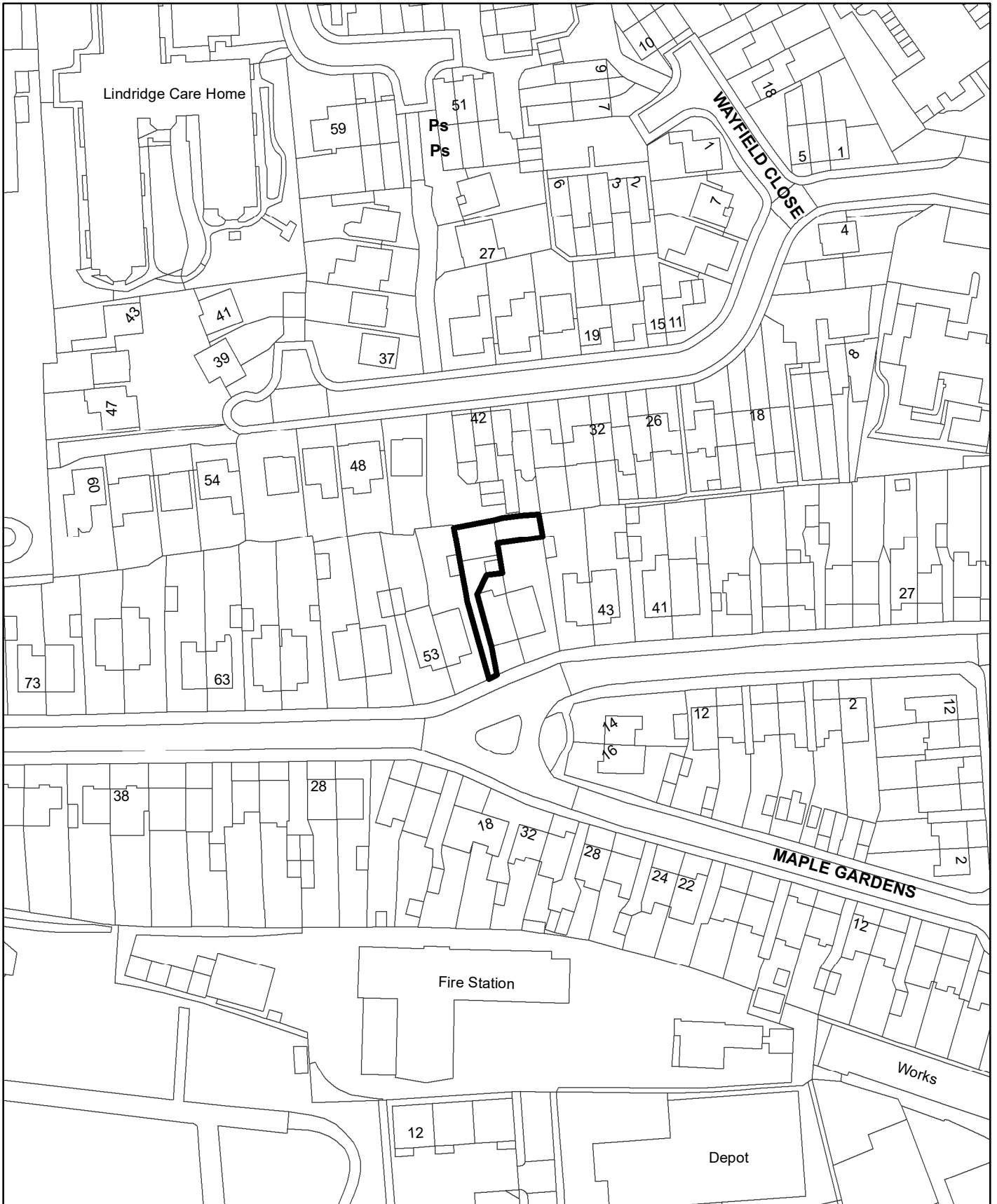
# **ITEM G**

**Studio Workshop At Rear, 49 Elm Drive  
BH2023/01017  
Householder Planning Consent**

**DATE OF COMMITTEE: 2<sup>nd</sup> August 2023**



# BH2023 01017 - Studio Workshop At Rear, 49 Elm Drive



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2023/01017</b>	<b><u>Ward:</u></b>	<b>Hangleton &amp; Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Studio Workshop At Rear 49 Elm Drive Hove BN3 7JA</b>		
<b><u>Proposal:</u></b>	<b>Erection of a new roof, incorporating a dormer and rooflights. Incorporates fenestration alterations, and the removal of existing summerhouse with additional landscape planting.</b>		
<b><u>Officer:</u></b>	James Ing, tel: 290485	<b><u>Valid Date:</u></b>	17.05.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12.07.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b>Agent:</b>			
<b>Applicant:</b>	Paul Heath 7 Montpelier Villas Brighton BN1 3DH United Kingdom		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	PLAN 1		5 April 2023
Proposed Drawing	PLAN 2		5 April 2023

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 2no. loft level windows on the north elevation shall be:

- a. Obscure-glazed, unless the parts which are clear-glazed are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
- b. 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.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

4. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until protection measures for the street tree

to the front of the application site are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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

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

6. The external finishes of the development hereby permitted shall be as follows:
  - All external walls to be painted white, to match the existing front elevation
  - Proposed clay roof tiles should be red, to match the tiles of many of the surrounding buildings, unless otherwise agreed in writing.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies CP12 of the Brighton & Hove City Plan Part One and DM21 of the 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 3.
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 asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)

## 2. SITE LOCATION

- 2.1. The application site comprises a single storey dwelling at the rear of the plot of no.49 Elm Drive. It was originally built as an incidental outbuilding servicing the main dwellinghouse; however, it has been established that it has been in use as



a separate dwelling since at least 2016 and therefore benefits from a lawful status by being immune from enforcement action, in accordance with Section 171B of the Town and Country Planning Act 1990 (as amended).

### **3. RELEVANT HISTORY**

#### **BH2023/00026**

- 3.1. Demolition of existing studio and erection of 2no bedroom dwelling (C3) - Application Withdrawn

#### **BH2021/00573**

- 3.2. Prior approval for the erection of an additional storey to form a first floor extension.' - Prior Approval Refused - Appeal Dismissed, with the Inspector upholding only reason for refusal no.3

1. The proposed development includes slate roof tiles which are dissimilar in appearance to the existing corrugated roofing material. The development would not therefore represent permitted development as it would breach the restrictions of Schedule II, Part One, Class AA.2(2a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed additional storey would include windows that would be highly visible from the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in significant perceived loss of privacy for occupants of these properties which would be detrimental to their amenities.
3. By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky building form which would be out of character with the area and harmful to the wider streetscene.

#### **BH2020/03788**

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

1. The proposed additional storey would include windows that would provide unobstructed views into the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in overlooking that would cause a significant perceived and actual loss of privacy for occupants of these properties which would be detrimental to their amenities.
2. By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky and utilitarian building which would be out of character with the area and harmful to the wider streetscene.

#### **BH2020/02147**

- 3.4. Certificate of lawfulness for existing use as 3no self-contained dwellings (C3) - Approved

**BH2003/00656/CL**

- 3.5. Certificate of Lawfulness for proposed development of a block-built garage under a tiled roof - Approved

**4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought to erect a new roof, incorporating an east facing dormer with recessed window, 2no. rooflights to the west roof slope, 1no. rooflight to south slope, and 2no. loft level windows to the north facing gable end. The roof would feature clay tiles to the hipped slopes. The application also incorporates fenestration alterations at ground floor level to the southern and eastern elevations, and the removal of the existing summerhouse, to be replaced by landscape planting.

**5. REPRESENTATIONS**

- 5.1. **Fourteen (14) (from 13 different occupiers)** representations have been received, objecting to the proposal on the following grounds:
- Inappropriate height of development
  - Noise pollution
  - Light pollution
  - Overdevelopment/excessive building density in local area
  - Overshadowing/light loss
  - Overlooking/loss of privacy
  - Concerns that the obscure glazed windows will be openable
  - Would create additional traffic/parking stress
  - Concerns over emergency services access
  - Poor design/not in keeping with character of local area
  - Too close to boundary
  - Damage to local trees
  - Sets undesirable precedent.
  - Potential for being converted into an HMO
  - Potential for using PD rights to add additional dormers
  - Concerns over standard of accommodation for occupants
  - Concerns that work has already commenced
  - Negative impact on the streetscene
- 5.2. **Councillors Grimshaw, Hewitt and Bagtho** have objected to the proposal. A copy of their representation is attached to the report.

**6. CONSULTATIONS**

- 6.1. **Arboriculture:**  
The trees in the rear garden of no.47 Elm Drive are not of sufficient quality to merit an emergency Tree Preservation Order. However, tree protection

measures to mitigate the potential impact on the street tree in front of the application site on Elm Drive should be secured by condition in the interest of mitigating the impact of development.

**6.2. Environmental Health:**

The previous uses of the site are unknown, and the existing roof could contain asbestos. It is recommended that if planning permission is granted that it be subject to a condition requiring further investigation into potential land contamination (comments received from previous application).

**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 City Plan Part Two (adopted October 2022);
- 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. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP1 Housing Delivery

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP12 Urban Design

CP13 Public Streets and Spaces

Brighton & Hove City Plan Part Two

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

DM35 Travel Plans and Transport Assessments

DM36 Parking and Servicing

Supplementary Planning Documents:

SPD06 Trees and Development Sites

SPD11 Nature Conservation and 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 following: principle of development; 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 potential highway impacts.

### **Principle of Development**

- 9.2. The proposed new clay tiled roof (incorporating first floor accommodation) would replace the existing corrugated concrete sheet roof, which has fallen into disrepair and needs replacing. Given the fact that an established lawful dwelling currently occupies the development site, it is not considered reasonable to raise any objection in principle to alterations that would enlarge the property subject to other planning considerations set out below. There would be no net gain in residential units on the site as a result of the proposed development.

### **Design and Appearance**

- 9.3. The proposed development would have a hipped roof form with a rear (north) gable end, a modest dormer with a recessed window on the east roof-slope, and a total of 3no. rooflights on the front (south) and east-side roof slopes. The gable end would feature 2no. loft level windows. Alterations to the ground floor fenestration is proposed - though the overall arrangement and size would be similar to the existing.
- 9.4. External materials would include red clay roof tiles and breeze blocks on the external walls. Red clay tiles are characterful of the wider area and are considered to integrate well with the built environment - far better than the existing corrugated concrete sheets. Breeze blocks are not common within the local area but are considered to be acceptable for this small, back-land development. The proposed external materials for the development shall be secured by condition in the interest of visual amenity.
- 9.5. The proposed alterations would result in a building with a generally similar scale to the existing dwelling, but would evoke a more traditional residential character. The existing building is of limited architectural merit and has an industrial appearance as a result of its corrugated roof.
- 9.6. It is considered that the proposed alterations would overall result in an improvement to the appearance of the building. Though concerns have been raised regarding the appearance of the building, it is considered simple in design and suitable as a back land garden development. Though the proposed

additions would result in a greater ridge height than the existing structure (and slightly lower eaves), the proposed resulting building is considered to be acceptable, would not cause any significant harm to the visual amenity of the area and, whilst architecturally simple in design, it is not considered so harmful as to warrant refusal of the application.

- 9.7. Concerns have been raised that the development would not fit in well with the character of the local streetscene. As a back-land development the existing building is already atypical of the area. It is considered that in terms of form and roof materials the proposed development would fit in as well as can be expected with the other dwellings in the area. The consideration is whether the proposed structure is so significantly different to the existing that it would cause further harm. The proposed structure is not highly visible from the Elm Drive streetscene and so its need to directly adhere to the character of the streetscene is not considered to be a significant issue. It is considered that the proposal would have a neutral impact on the character of the area given the existing structure and establishment of a dwelling in this position.
- 9.8. The dwelling, as extended would be more visible from Wayfield Avenue across a car park to the rear of no.44. However, it is not considered that this would cause any significant harm to the visual amenities from the north of the site.
- 9.9. A structure in the rear garden is an existing form of development and through a lawful development certificate, its use as a residential dwelling is established. The proposed alterations to the design of the structure are considered acceptable and not harmful in design terms to warrant refusal of the application.
- 9.10. It is noted that a Prior Approval application (BH2021/00573) for a first floor extension to the existing dwelling was refused in 2021 and subsequently dismissed on appeal. The Planning Inspector agreed with the Council that the additional floor would result in a bulky building, out of character with the area. However, the refused application would have resulted in a full two storey dwelling. As set out above, the current application is considered to overcome the reason for refusal by providing the first floor rooms within the roof, thereby significantly reducing the bulk of the addition and limiting its height.

#### **Impact on Amenities**

- 9.11. The proposed development would be approximately 1.75m taller than the existing structure, though it would have an eaves height which is approximately 0.3m lower. It would cast a longer shadow than the existing structure but given it rises to a central gable point it is not considered that this shadow would result in any particularly harmful loss of light that would warrant refusal of the application.
- 9.12. West of the site is the garden of no.51 Elm Drive; given the orientation of the land, the hipped roof-form, and the fact the proposed development would be adjacent to a garage within the curtilage of no.51, it is considered that the impact from shadowing would be acceptable. Some limited shadowing may occur in the early hours of the day, but this would only impact on the far (north) end of the

rear garden and should not be significantly impactful on the amenities of neighbouring residents.

- 9.13. Northwest of the site is the rear garden of no.46 Wayfield Avenue, the closest boundary of which is approximately 6m from the corner of the application site dwelling. The hipped roof-form of the proposed development will mitigate overshadowing, and the potential morning shadow cast across the south end of the garden of no.46 Wayfield Avenue is not considered to cause any significant harm.
- 9.14. Directly north of the development is a car park, and the private gardens of nos.42 & 44 Wayfield Avenue. The gardens of these two properties are separated from the application site by approximately 9m and it is considered that the development would have an acceptable impact on the amenities of occupants therein from overshadowing.
- 9.15. The rear (south) end of the garden of no.38 Wayfield Avenue is approximately 3.8m northeast from the closest corner of the proposed development and may experience some overshadowing in the afternoon hours. However, any shadowing from the proposed development would only affect the southern tip of the garden and is unlikely to be significantly impactful.
- 9.16. Directly east of the proposed development is the north end of the rear garden of no.47 Elm Drive. The shadow of the proposed works is only likely to fall across any of this curtilage in the late afternoon/early evening and would not affect the areas closest to the main house. Shadowing is also already likely from the mature trees in this garden, so additional significant impact is unlikely.
- 9.17. It is considered that the overshadowing as a whole would be less than harmful, and the development is acceptable in this regard. It should also be noted that previously refused applications for a full two-storey building in this location would have cast a larger shadow than the current proposal and were both found acceptable in this regard. The Planning Inspector for application BH2021/00573 also did not raise shadowing as a concern.
- 9.18. Concerns have been raised that the proposed development would cause harm to the amenities of local residents due to the impact on privacy from the upper floor windows.
- 9.19. The south-facing rooflight would serve a landing and be both small and high-level with minimal impacts on Nos 47 and 49 Elm Drive.
- 9.20. The west-facing rooflights would serve the first floor bathroom and the ground floor respectively. Both are small in size and high level and would therefore not have any unacceptable impacts on properties to the west.
- 9.21. The north-facing windows would serve a bedroom and a bathroom and would offer views across the car park and potentially into the gardens of nos.42 and 44 Wayfield Avenue. There is potential for harm in this regard; loss of privacy would make these rear gardens less desirable as amenity spaces. The Planning

Inspector for application BH2021/00573 considered that windows fitted with measures to restrict views (such as obscure glazing and limited opening method) would have an acceptable impact on the amenities of local residents, and that the LPA had given too much weight to perceived overlooking. In light of that decision, it is considered that the two windows could be acceptable subject to a condition requiring both be fitted with obscure glazing up to an internal height of 1.7m, and also to be fixed shut to an internal height of 1.7m. This should allow for acceptable outlook and natural ventilation for occupants, whilst also safeguarding the amenities of neighbouring residents.

- 9.22. The east-facing dormer would also serve the loft level bedroom and whilst the primary view from this window would be over the garden area of the application property, it would potentially provide views across the rear gardens of nos.43-47 Elm Drive. The proposed dormer would have recessed glass to prevent oblique views into houses along Elm Drive and Wayfield Avenue and whilst some views of the rear gardens of Wayfield Avenue and Elm Drive may be possible it is not considered that the impact on privacy would be significant enough to warrant a reason for refusal. It is therefore believed that this window would not cause significant harm to neighbouring amenity, and would not need to be obscurely glazed.
- 9.23. The potential impact caused by the building works themselves has been raised as a concern by local residents but this 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. The proposed development represents a net increase of one bedroom on the site and it is not considered likely that the additional noise output associated with the occupation of this dwelling would be significant or warrant objection.
- 9.24. Concerns have been raised that the proposed development would lead to an impact on amenities due to light pollution. Light spill from ground floor windows/doors would be largely blocked by the boundary fencing and trees in the area. Light spill from the rooflights and upper floor windows is not considered likely to cause any significant harm or merit refusal of the planning application. The application site is surrounded by other residential properties that are two-storey in height, many of which also have habitable lofts, and have a larger number of windows. Any light from the windows of the proposed development would have a similar impact to the existing setting; the LPA has no significant concerns in this regard.

### **Impact on the Public Highway**

- 9.25. It has been raised in the representations received that the proposed development would promote an unsustainable lifestyle, and that occupants are unlikely to cycle and more likely to own multiple private motor vehicles, putting pressure on local highways in terms of traffic congestion and parking stress. This view is not considered to be supported by any clear evidence; the application site is proximate to local bus routes and Aldrington Railway Station, and there is

ample space for an secure outdoor bicycle shed, so future occupants would have practical means of sustainable travel.

- 9.26. The application site does not lie within a Controlled Parking Zone, so occupants would be free to park any vehicles on the public highway, The concern of local residents that there is a high level of parking stress in the area is noted, however, there is a dwelling sited in the rear garden currently and the provision of an additional bedroom is not considered to have a significant impact on highway safety or significantly increase vehicle use associated with the site.
- 9.27. Concerns have been raised that the proposed development would limit the access to the two flats within no.49 Elm Drive. Given that access would be unchanged from the existing, it is not clear why this would be the case.
- 9.28. Overall, the LPA has no concerns relating to the highways as a result of the proposed alterations.

### **Standard of Accommodation**

- 9.29. The proposed alterations would result in an increase to the amount of liveable space. The proposed layout would be sensible with good circulation spaces, and ample natural light provision for each room.
- 9.30. The private garden for the dwelling is small but commensurate with the size of the property. There is space to the front of the dwelling for refuse and recycling bins, and for secure cycle parking if desired.
- 9.31. There are no concerns with the standard of accommodation that would be offered to future residents.

### **Other Considerations**

- 9.32. It has been stated in the representations received that development has commenced prior to any permission being granted. To seek planning permission retrospectively is a valid course of action in the development process and should not be weighed against a developer in the assessment of the propriety of a proposal. As there has been no evidence that significant development beyond alterations to fences has commenced, this application has been treated as a prospective proposal.
- 9.33. 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. A suitably worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the City Plan Part One and DM37 of the City Plan Part Two as well as SPD11.
- 9.34. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning



application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area. It should again be reiterated that the proposed development site is atypical of the area and represents alterations to an existing lawful dwelling that has become lawful due to the length of time it has been in situ; it should not be considered as a new subdivision of the land or establishment of a new planning unit.

- 9.35. Concerns have been raised that granting planning permission would lead to the conversion of the property into an HMO. Objectors are reminded that Brighton and Hove is covered by a city wide Article 4 Direction that prevents the conversion of a residential dwelling (C3) into an HMO (C4) by Permitted Development rights. Therefore, if the application site owners wished to change the use of the property from C3 to C4, this would constitute a change of use and would require planning permission.
- 9.36. Concerns have been raised that emergency services would not be able to access the new dwelling; however, it has been confirmed with a Building Control Surveyor that this is not the case. The access to the site is unchanged from the existing arrangement, which includes a driveway with a length of approximately 28m. Emergency Services use hoses with a length of 40m, so there are no reasonable grounds to suppose that the dwelling would be inaccessible.
- 9.37. There are several mature trees adjacent to the development site in the rear garden of no.47 Elm Drive. The Council Arboriculture Officer has assessed these trees based on photographs taken at the time of a site visit and does not consider them to be of sufficient quality to merit a Tree Preservation Order, and that they should not be considered as a constraint to development.
- 9.38. The street tree at the front of the site contributes positively to the visual amenity of the area and requires protection measures to ensure its health is safeguarded throughout the delivery and construction period. On-site tree protection measures for the street tree outside of the development site shall be secured by condition in the interest of safeguarding the biodiversity of the site, as well as visual amenity.

### **Conclusion**

- 9.39. For the reasons outlined above, the proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. Planning conditions in the interest of visual and residential amenity and biodiversity shall be included. For the foregoing reasons the proposal is considered to be in accordance with policies CP1, CP8, CP9, CP10, and CP12 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM21, DM22, DM33, DM35, DM36 and DM37 of the City Plan Part Two.

## **10. EQUALITIES**

None identified.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount of money owed, if any, 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. Biodiversity improvements including a bee brick shall be secured by condition within the approved development. The applicant has proposed the installation of a bat box on the north facing gable end which, if installed could provide biodiversity benefits in the local area. Tree protection measures shall be required in order to safeguard the street tree at the front of the site.



**Brighton & Hove  
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Faiza Baghoth**

**BH2023/01017 – Studio Workshop At Rear, 49 Elm Drive**

**12<sup>th</sup> June 2023:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Height of Development
- Overdevelopment
- Overshadowing

Comment: Over development and inappropriate height which could encourage random and inappropriate development all around.





**Brighton & Hove  
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Amanda Grimshaw**

**BH2023/01017 – Studio Workshop At Rear, 49 Elm Drive**

**9<sup>th</sup> June 2023:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Inappropriate Height of Development
- Overdevelopment
- Overshadowing
- Poor design
- Restriction of view

Comment: I object to the planning application and support the immediate neighbours who have already objected.

The overdevelopment of this property will have a negative impact on their own surroundings





**Brighton & Hove  
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. John Hewitt**

**BH2023/01017 – Studio Workshop At Rear, 49 Elm Drive**

**10<sup>th</sup> June 2023:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Height of Development
- Overdevelopment
- Overshadowing

Comment: I believe that this proposal would be an overdevelopment of the site. The proposed building is overbearing in height. This would have an adverse effect on neighbouring properties in Elm Drive and Wayfield Avenue. The proposed building will be able to be seen from the street.

Permitting this development to take place would set a dangerous precedent and allow more sites in the area to overdevelop.





# PLANNING COMMITTEE

## Agenda Item 28

Brighton & Hove City Council

### NEW APPEALS RECEIVED 08/06/2023 -05/07/2023

<b><u>WARD</u></b>	<b>CENTRAL HOVE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2022/02678
<b><u>ADDRESS</u></b>	Garage To Rear Of 39 St Aubyns Hove BN3 2TH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Certificate of lawfulness for existing use of building as craft club (F2).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	04/07/2023
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>CENTRAL HOVE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2022/02892
<b><u>ADDRESS</u></b>	5 The Drive Hove BN3 3JE
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of Use of first, second and third floors from commercial (E) to residential (C3) to create 1no two bedroom flat and 2no three bedroom flats incorporating installation of additional balustrading and restoration of existing balustrading to roof terrace, revised fenestration and the removal of parapet above front second floor bay window.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	26/06/2023
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2022/02736
<b><u>ADDRESS</u></b>	Wick Hall Furze Hill Hove BN3 1NF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of meter and store room into 1no self-contained flat (C3) with associated alterations to fenestration and cycle parking.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	28/06/2023
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2022/03429
<b><u>ADDRESS</u></b>	Garages Adjacent Wick Hall Furze Hill Hove
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of garages to create 4no self-contained flats (C3) with alterations to fenestration.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	26/06/2023



# PLANNING COMMITTEE

## Agenda Item 30

Brighton & Hove City Council

### **APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/06/2023 AND 18/07/2023**

**WARD** **CENTRAL HOVE**  
**APPEAL APPLICATION NUMBER** APL2022/00020  
**ADDRESS** Coombe Lea Grand Avenue Hove BN3 2NB  
**DEVELOPMENT DESCRIPTION** Installation of 6no telecommunication antenna apertures across 3no steel support structures, 3no 600mm wide dishes and 8no equipment cabinets all at roof-level, 1no cabinet at ground level, plus ancillary works.

**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED

**PLANNING APPLICATION NUMBER** BH2021/00799  
**APPLICATION DECISION LEVEL** Planning (Applications) Committee

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**WARD** **GOLDSMID**  
**APPEAL APPLICATION NUMBER** APL2022/00074  
**ADDRESS** Flat 3, 32 Cromwell Road Hove BN3 3EB  
**DEVELOPMENT DESCRIPTION** Replacement of existing first floor rear window sashes including new slimline double glazing.

**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED

**PLANNING APPLICATION NUMBER** BH2021/04420  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **GOLDSMID**  
**APPEAL APPLICATION NUMBER** APL2023/00015  
**ADDRESS** 4 - 12 Lyndhurst Road Hove BN3 6FA  
**DEVELOPMENT DESCRIPTION** Erection of single storey detached pod to enable visitation to care home. (Retrospective)

**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED

**PLANNING APPLICATION NUMBER** BH2022/02658  
**APPLICATION DECISION LEVEL** Delegated

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**WARD** **HOVE PARK**  
**APPEAL APPLICATION NUMBER** APL2023/00019  
**ADDRESS** The Oval 105A Woodland Drive Hove BN3 6DF

DEVELOPMENT DESCRIPTION Erection of a three storey, 4 No. bedroom house, incorporating the demolition of part of the existing double garage to provide a single garage for the existing house, revisions to the boundary wall, parking and associated works (part-retrospective).  
APPEAL TYPE Full Planning-against conditions  
APPEAL DECISION APPEAL ALLOWED  
PLANNING APPLICATION NUMBER BH2022/01341  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEAL APPLICATION NUMBER APL2022/00068  
ADDRESS Eastern Road Opposite Park Street And Tillstone Street Brighton BN2 1LF  
DEVELOPMENT DESCRIPTION Installation of a 15m Phase 8 telecommunications Monopole C/W wrapround cabinet at base and associated ancillary works.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/02984  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEAL APPLICATION NUMBER APL2023/00007  
ADDRESS Flat 5 23 - 24 Old Steine Brighton BN1 1EL  
DEVELOPMENT DESCRIPTION Replacement of window to rear elevation with sliding sash window. (Retrospective)

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/01921  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEAL APPLICATION NUMBER APL2023/00012  
ADDRESS 110A St James's Street Brighton BN2 1TH

<u>DEVELOPMENT DESCRIPTION</u>	Conversion of basement store rooms into 1no studio flat (C3) with installation of timber patio doors and windows to rear, formation of larger rear courtyard, 2no glazing panels behind metal grille to front and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01530
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00024
<u>ADDRESS</u>	53 Ainsworth Avenue Brighton BN2 7BG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of extension to form new first floor with flat roof and additional solar panels, new roof terrace at first floor level, extension to square off ground and first floor bay windows, alterations to porch, revised fenestration and new render and timber and zinc cladding. Levelling-out and widening of existing driveway with revised boundary treatment.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/03398
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00005
<u>ADDRESS</u>	Bexhill Road To Rear Of 4 Hunns Mere Way Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Installation of 15m high Phase 8 telecommunications monopole and associated equipment cabinets.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01783
<u>APPLICATION DECISION LEVEL</u>	Delegated

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