

Planning Committee

Date: **6 December 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

59 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.

60 MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 1 November 2023.

61 CHAIR'S COMMUNICATIONS

62 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 30 November 2023.

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

64 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 Planning 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**). To register to speak please email Democratic Services at: 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 3 minutes will need to be shared, or one can be elected by communal consent to speak for all).

MINOR APPLICATIONS

A	BH2023/02622 - Tennis Courts, Hove Park, Old Shoreham Road, Hove - Full Planning	19 - 36
B	BH2023/02398 - 53 Ainsworth Avenue, Brighton - Householder Planning Consent	37 - 52
C	BH2023/01254 - 17 Old Shoreham Road, Hove - Full Planning	53 - 72
D	BH2023/02290 - 61 Goldstone Lane, Hove - Full Planning	73 - 94
E	BH2023/02446 - 8 Rothbury Road, Hove - Householder Planning Consent	95 - 108
F	BH2023/02487 - 106 Dale View, Hove - Full Planning	109 - 132

INFORMATION ITEMS

65	LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE	133 - 134
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(Copy attached).

66	INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES	135 - 136
	(Copy attached).	
67	APPEAL DECISIONS	137 - 138
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Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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

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FURTHER INFORMATION

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

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Date of Publication - Tuesday, 28 November 2023

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 NOVEMBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, Winder (Substitute) and C Theobald

Officers in attendance: Jane Moseley (Planning Manager), Katie Kam (Lawyer), Chris Swain (Planning Team Leader), Rebecca Smith (Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer), Oliver Spratley (Urban Design Officer), and Chinwe Ihemefor (Environmental Health Officer).

PART ONE

50 PROCEDURAL BUSINESS

a) Declarations of substitutes

50.1 Councillor Winder substituted for Councillor Pumm.

b) Declarations of interests

50.2 Councillor Fishleigh stated that they were not of an open mind on item B: BH2023/00830 and would not take part in the discussions or decision-making process. Councillor Theobald stated they had received emails regarding items A: BH2022/02492 and D: BH2023/01799, however they remained of an open mind. Councillor Cattell stated they know the agent for item A, however, they remained of an open mind. Councillor Loughran stated they had been lobbied by residents on items A and D, however they remained of an open mind. The Legal officer, Katie Kam stated they knew – one of the objectors for item D but had played no part in the application process.

c) Exclusion of the press and public

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

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

d) Use of mobile phones and tablets

50.5 The Chair reminded Committee Members ensure that their mobile phones should not be used as a means of communication during the meeting and if members need to make or receive a message via their phone, please alert me as Chair. Where Members were using tablets to access agenda papers electronically, they should ensure that they are switched to 'aeroplane mode'.

51 MINUTES OF THE PREVIOUS MEETING

51.1 **RESOLVED:** That the minutes of the meeting held on 4 October 2023 were agreed.

52 CHAIR'S COMMUNICATIONS

52.1 The Chair stated the following: The Levelling Up Regeneration Bill was finally passed in parliament on the 26 October and received royal assent. It is now the Levelling Up Regeneration Act.

However, the new Act has not been published. I have not been able to see how many of the key clauses relating to the planning system have been changed. Key provisions will include proposals relating to the changes to the development plan system and the development management system, and the target provisions for housing.

The new Act will need to be brought into force and there will be a requirement for changes to existing statutory instruments regarding these changes so the changes are not likely to take effect for some time. I will update you when this happens.

There will be new National Development Management Policies and changes to the way regarding the calculations for housing and how those figures are applied to take local circumstances into account. The tests for housing delivery will change. Efforts have been made in the House of Lords through Lord Crisp to support the healthier homes principles which the Commons did not adopt in full although some concession has been derived. I was personally involved with this effort before I became a Cllr. We also expect to see a new system in relation to the operation of the Infrastructure Levy.

There will also be significant changes to the legal framework for environment assessment which is still on going. The Government is proposing to adopt Environmental Outcomes Reports to replace legislation that was comprehensively based on the EU legal framework. I expect the Act will change the way we have processed assessments for many years through EIA and SEA.

The Council will be keeping you and residents up to date with the changes. They will be reflected in the way that our options for the emerging spatial plan will be developed and that will be evident in the material that is published for future consultations about the direction of our city in planning terms. The changes will mean that our existing system of planning assessment changes. Further clarification is awaited.

53 PUBLIC QUESTIONS

53.1 There were none.

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

54.1 Councillor Fishleigh requested that a site visit be made to 44 The Cliff, Roedean, Brighton. The committee Members did not support the request.

55 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

55.1 The Democratic Services officer called the agenda applications to the committee. Items G: BH2023/02174 and I: BH2023/02170 were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation(s).

A BH2022/02492 – 47 Trafalgar Street, Brighton – Full Planning

1. The Planning Team Leader introduced the application to the committee.

Speakers

2. George Taylor addressed the committee as an objecting resident and stated that they considered the proposals to be an overdevelopment of the site and overbearing height and mass. The bulk and scale of the development was considered to cause harm to the amenities of the area. The level of impact on the area would be great. The Prince Albert pub next door is a landmark building, and the contemporary development would not be in keeping. It was noted that the pub features were not included in the scheme, as the proposed light well would obscure the pub window and prevent access to the exterior of the window for repairs. It was considered that the pub had a key role in the city and the 'Agent of Change' was not good enough, neither was the noise impact assessment.
3. Ward Councillor McLeay sent a speech which was read out by the Democratic Services officer as follows: Speaking on behalf of local residents and business owners, I object to the current planning application to develop the site at 47 Trafalgar Street, based on the following material considerations.

Loss of light or overshadowing: The scale and height of the planned development next to the Prince Albert pub and surrounding premises will block out much of the natural sunlight. The daylight/sunlight report states there will continue to be "some" impact, however, this continues to be seen as a significant impact by the neighbouring properties, especially as they are already limited in terms of the natural sunlight.

The effect on listed buildings and conservation area: The excessive scale of the development is a major concern for the surrounding properties and premises and does not fit with the adjoining building. The Prince Albert pub is a grade II listed building, and a significant landmark on Trafalgar Street. The addition of a basement has also raised concerns as to how it will impact the foundations of the Prince Albert.

Noise: The proximity of the Prince Albert pub, a much-loved music venue, is a particular concern. This is a point of reference reinforced by the sheer number of objections.

It is developments like this that instigated the incorporation of the Agent of Change Principle into the National Planning Policy Framework (NPPF). That existing businesses and facilities should not have unreasonable restrictions placed on them as a result of developments permitted after they were established – where the operation of an existing business or community facility could have a significant adverse effect on new developments, and the applicant should be required to provide suitable mitigation before the development has been completed.

The Planning application does not state a specific use for the site, apart from a Class E use class which covers a wide range of uses. These could vary in sound sensitivities and hours of operation. The Prince Albert pub has great cultural importance to the city as a live music venue, and planning applications within its vicinity should be considered carefully – with an intention to complement the surrounding premises, and not work against. The scale of the development, along with the demolition and re-development of the site would cause significant and prolonged disruption to the businesses either side.

The councillor would be interested to see a planning application that better incorporates the surrounding area and shows how its Use Class will complement its surroundings for the benefit of the wider community. This is already a significant space in terms of ground floor landmass. I suggest Councillors consider the opportunity to reject this planning application and invite new applications for development that provide greater benefit to the local community.

4. Luke Austin addressed the committee as the agent on behalf of the applicant and stated that the current car rental depot would be replaced with a new building which was altered to reflect officers' concerns. The alterations included a new light well alongside a window in the pub adjoining. The development is non-residential. The Noise Impact Assessment was carried out over a weekend when bands were playing. The scheme will include robust sound insulation, which was supported by officers and included in the conditions. The E use class for the building covers a range of uses. The existing building is unattractive and was used for commercial purposes and of little interest. The proposals will add to the streetscene and is supported by the Heritage team. It was noted the applicant has worked with the officers to agree the final scheme.
5. The Planning Manager noted that the Heritage team raised no concerns about the revised scheme, which meets daylight/sunlight requirements. The Agent of Change principle was applied, and the car yard being replaced by an E class use building was deemed acceptable.

Answers to Committee Member Questions

6. Councillor Shanks was informed that the difference in height between the existing building and the proposals was 3.9m. It was confirmed that there would be a light well included in the development, which would allow light into the existing pub window which serves stairs. The Planning Team Leader noted there were no windows at first floor level in the proposals and the third floor was set back.
7. Councillor Allen was informed by the Planning Team Leader that there was no artwork on the eastern elevation of the pub. The Planning Manager confirmed that a Deed of Easement to remove the right of future tenants to complain was not considered appropriate as the use was commercial so less sensitive, and the pub was already surrounded by residential developments. The Environmental Health Officer noted that no recent complaints have been made about the pub in this dense area with dwellings to the rear and existing commercial uses nearby.
8. Councillor Theobald was informed that the planning officers and the Urban Design Officer expressed concerns regarding the design and daylight resulting in the design being changed. It was noted that there would be no change to the seating outside the pub and that the Heritage team found the proposals acceptable regarding the listed features of the pub and the conservation area. The Planning Team Leader confirmed that some cornicing only would be affected. The development was designed with a step back to limit the visual impact of the scheme.
9. Councillor Nann was informed that the conditions are satisfactory and enforceable. The applicant is able to appeal. The Planning Team Leader confirmed the applicant has 6 months to appeal following a refusal, and they may re-apply for planning permission. An application can also be made to vary a condition.
10. Councillor Fishleigh was informed by the Planning Team Leader that the materials would be agreed by condition. Detailed drawings would also be required by condition. The Urban Design Officer considered the design was mediocre and could be improved, however, the current scheme is adequate. The Planning Manager clarified that the Urban Design Officer's concerns related to light coming into the building for future users, not impacts on surrounding dwellings.
11. Councillor Robinson was informed that there was no courtyard in the proposals and that there had not been one on site for many years, However, there was a light well incorporated into the building. On balance the scheme is acceptable.
12. Councillor Cattell was informed that there was a delay in receiving information from the applicant, hence the delayed response to consultation. The Urban Design Officer stated they were open to discussions and comments at each stage.
13. Councillor Theobald was informed that it was apparent from some of the objections that a some did not realise that the residential elements of the scheme had been removed.
14. Councillor Shanks was informed that the design was acceptable, as was the sunlight/daylight assessment. A Deed of Easement would be a legal agreement between the site owners and the pub, and this would not be enforceable by the council.

15. Councillor Loughran was informed that the application could not be refused on the basis that applicant updated their submission but did not explicitly set out responses to concerns raised or update their Design and Access Statement. There were no objections regarding energy and sustainability with conditions securing acceptable levels.

Debate

16. Councillor Fishleigh considered the design was mediocre and not good. The councillor was against the application.

17. Councillor Nann considered the music venue to be valuable and not enough was being proposed to protect the venue. The councillor did not consider the design good enough, bringing nothing to the area and stated they were against the application.

18. Councillor Cattell considered the applicant had gone a long way to protect the listed building, however, there was a need to mitigate the impact of the new development. The site needs developing; however, the councillor was against the application.

19. Councillor Robinson considered the development too bulky, and not of an acceptable design. A better design was required for this site. A Deed of Easement would be a good idea.

20. Councillor Theobald considered the existing building to be unattractive and they were glad the holiday lets had been removed from the development. The sound proofing needs to be good. The scheme was considered an overdevelopment of the site and impactful on the neighbouring pub. The councillor was not keen on the application.

21. Councillor Hamilton considered the application was difficult to decide as there were some good points, and others were only acceptable. The councillor was against the application.

Vote

22. A vote was taken, and unanimously the committee voted against the case officers' recommendation. Councillor Cattell proposed, and Councillor Nann seconded, the application should be refused. The wording to be agreed by the Planning Manager with the proposer and seconder.

23. A recorded vote was taken, and the following councillors voted for the refusal: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, Theobald, Winder and Loughran.

24. **RESOLVED:** That planning permission be refused for the following reasons:

1. Failure to demonstrate the future use of the new development would not have a detrimental impact on the Prince Albert public house as a heritage and cultural asset.

2. Failure to demonstrate the design, bulk and footprint of the development has responded to the character of the North Laine area, including its heritage features.
3. Failure to demonstrate that the scheme would not have an unacceptable impact on the amenity of residents of Over Street, including through the built form being overbearing.

B BH2023/00830 - Ovingdean Hall, English Language School, Greenways, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee.
2. The case officer updated the committee that condition 6 had been reworded, the Tree Protection Plan had been accepted so would be secured by condition, condition 28 had been altered, the Conservation Action Group had supported the scheme and the S106 agreement would need to be completed within 2 months of the committee meeting if the committee agreed to grant planning permission.

Speakers

3. Paul Perrin addressed the committee as an objecting resident and stated that they wished the application to be refused as it was unreasonable and would overshadow and overlook the residents garden patio. Sunlight/daylight will be blocked by the development, which is higher than the existing buildings ridge height. Light standards are considered to fall short and be toxic to the neighbours. Morning sunlight will be blocked to the front garden and shadows will be cast over the main living area and garden. The proposed new block is not needed at this location. The committee were requested to refuse the application.
4. Tess St Clair-Ford addressed the committee as the applicant and stated that when the college opened, they received 170 national and international students for advanced learning. The college worked with local groups. 80% of the students were boarders. The proposals would bring the college back to life and enhance the conservation area. £12m would be put towards stage one, and £22m for the rest of the scheme. The number of support and teaching staff will be increased. The multi-use games area will be available for local community use, as well as the full boarders. The design has been mitigated to reduce the impact on the neighbouring properties. The committee were requested to approve the application.

Answers to Committee Member Questions

5. Councillor Allen was informed by Paul Joyce acting as the agent that the design of the development had been agreed with the Heritage officers.
6. Councillor Robinson was informed by the agent that the alignment of the proposed blocks matched the existing, away from the listed building. This was considered the best

location for the new blocks. The multi-use games area is conditioned to have a management plan and lights will be on timers.

7. Councillor Theobald was informed by the agent that the plans show the existing buildings and those proposed, including a second access road to the rear of the buildings which can be used as an escape route. The new blocks were slightly higher than the existing, the distance between the listed building and the development was 10 metres, condition 12 covered the swimming pool removal and condition 19 covered the floodlighting.
8. Councillor Shanks was informed by the case officer that the south east area of the site was a Local Wildlife Site so there were few options for development, with the existing location for the new blocks being the best achievable. Contributions towards local bus services could be secured via Community Infrastructure Levy (CIL).
9. Councillor Hamilton was informed that north western corner of the site was not changing. The case officer noted the existing boarding block was in the north western corner. The agent confirmed that the majority of the site to the south east was a wildlife site.
10. Councillor Theobald was informed by the case officer that the S106 agreement was in line with guidance as the site was already a school.

Debate

11. Councillor Allen considered Ovingdean to have a distinct character and the proposed development appeared to be incoherent. The councillor was against the application.
12. Councillor Cattell considered the drawings quality were not good. The listed building was beautiful, and the proposals would not enhance the setting, detracting from the conservation area. The councillor was against the application.
13. Councillor Robinson considered the proposed blocks to be too large. The councillor was against the application.
14. Councillor Theobald considered the developments to be too close to residents. The councillor was against the application.
15. Councillor Loughran expressed concerns the new blocks were too close to neighbours and considered the development to have a negative impact on the living conditions of residents.

Vote

16. A vote was taken, and the committee voted unanimously against the officer recommendation.
17. Councillor Allen proposed, and Councillor Robinson seconded that the application be refused. The wording of the refusal to be agreed by the Planning Manager with the proposer and seconder.

18. A recorded vote was taken, and the following Committee Members voted for the refusal: Allen, Cattell, Hamilton, Nann, Robinson, Shanks, Theobald, Winder and Loughran.

19. **RESOLVED:** The committee refused planning permission for the following reasons:

1. Design and materials would not preserve or enhance the distinct character of the Ovingdean Conservation Area.
2. Unacceptable impact on the amenity of residents to the north of the site by virtue of the excessive bulk of the building and its proximity to dwellings on Woodland Walk.

C BH2023/01186 - 58-60 Beaconsfield Road, Brighton - Full Planning

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

Speakers

2. Lucy Duckworth addressed the committee as a representative of the Beaconsfield Arches Community Organisation and stated that they were deeply concerned regarding light, noise and pollution. The noise from the vehicle engines will have an impact on the neighbouring properties. The noise impact report was not considered sufficient as it stated one hour for jetwash use. The proposals would lead to a significant loss of privacy for the neighbouring houses. There would also be a negative impact on wildlife, with ponds being within 50 metres of the site. The committee were requested to refuse the application for the lack of community engagement. Alex Levant also spoke for the Beaconsfield Arches Community Organisation and stated that the increased number of cars would be a danger as there had been a number of near collisions at the entrance. The proposals would be detrimental to enjoyment of the neighbouring homes.
3. Ward Councillor Hill addressed the committee and stated that they considered the noise assessment to be incorrect as certain measurements were not taken. The proposals would be detrimental to the surrounding residents, with car horns, mechanical works, gear changes, jet wash and vacuum noise. The net gain of biodiversity would be affected. The bat boxes under the arches will be affected by the increase in noise by the coming and going on the site. There had been no engagement with residents. The committee were requested to refuse the application.
4. The Planning Manager stated that there was no increase in the movement of vehicles over previous site use and there was no limitation on hours currently. An ecological assessment has been submitted and ecology is protected by condition.
5. Chris Dodds addressed the committee as the agent acting on behalf of the applicant and stated that they recognised residents' concerns and noted that Enterprise was a respectful company, and they wanted to avoid conflict. All requested reports have been submitted and all statutory and non-statutory consultees have supported the application. The proposals comply with policies and there is positive weight given to the use of a brownfield site, provision of jobs, and business improvements. It was noted that the majority of vehicles are either hybrid or electric. The committee were requested to approve the application.

Answers to Committee Member Questions

6. Councillor Fishleigh was informed by Lucy Duckworth that the site parking spaces will be next to the residents' gardens and will be only 1.3m away. There is a wildlife corridor outside the gate to the site including 3 ponds. This and the residents' amenities will be affected by car fumes. The case officer stated that 2m fences would be erected along the site boundary, required by condition.
7. Councillor Cattell was informed by Lucy Duckworth that the wildlife corridor was on private land at the moment. The application site was not formerly open to the public and would be secured.
8. Councillor Allen was informed by Lucy Duckworth that the previous owners reached out to the community and reduced the lighting. The applicant has not contacted residents.
9. Councillor Shanks was informed by the case officer the 2m high fencing will be on the northern side of the site.
10. The Planning Manager noted the jet wash was allowed 60 minutes each day which would be secured by condition.
11. Councillor Nann was informed that the applicant had submitted the timescale for the jet wash. The agent stated that 2 minutes per vehicle would be sufficient, and this was the reason for being happy with its use being limited to 60 minutes/day.
12. Councillor Robinson was informed by the agent that the public would be accompanied by staff at all times when on site and that vehicles to be used that day would be at the front of the site. The front gate will be opened in the morning and closed by the pub in the evening.

Debate

13. Councillor Theobald considered the existing buildings to be unsightly and the hours to be moderate. The councillor supported the application.
14. Councillor Cattell considered the current noise and proposed to be similar to the previous use, and noted that new cars will produce less pollution. The County Ecologist has agreed the conditions, however there may be slow worms on site which should also be protected. The Planning Manager confirmed that ecological report included reference to slow worms so these would therefore be protected.
15. Councillor Nann considered they preferred cars to a building merchant. The councillor supported the application.

Vote

16. A vote was taken, and the committee voted unanimously to grant planning permission.

17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

D BH2023/01799 - Garages to the Rear of 10 Bavant Road, Brighton - Full Planning

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

Speakers

2. Jethro Carr addressed the committee as an objecting resident and stated that they represented ten families. The design will be impactful, contrary to Policies DM18 and DM26. The small bungalows are in an elevated position and are not well positioned adjoining the boundaries with the neighbours. The buildings will overshadow neighbours and are not subservient to them. The scheme is an overdevelopment which does harm to the local amenities. The committee were requested to defer and carry out a site visit to see the impact of the proposals. The applicant has not contacted the neighbours. The applicant is trying a twin track method alongside the appeal, trying to rush the council.
3. Ward Councillor Pickett addressed the committee and stated they considered the development was lacking as reflected by the huge number of objections. The development should fit in with the area and not have a negative impact. The height has been reduced; however, it is still considered to be overbearing. The development is close to the boundaries of neighbours against Planning Policy DM20. The development is considered too substantial for the site. The garden areas proposed are not in keeping with the area and will have a negative impact on the occupiers, one house would be better. The committee were requested to refuse the application if the relevant policies are not met.
4. Sarah Sheath addressed the committee as the agent acting on behalf of the applicant and stated that the previous application had been refused by the case officer under delegated powers, as the scale of the development was considered out of keeping with an overbearing impact on neighbours. The pair of chalet style dwellings have been reduced and are subservient to existing buildings. There are limited views of the proposals, following the reduction of the eaves height. This is a built-up area where development is encouraged. The committee were asked to agree the application as there were no planning reasons to refuse the proposals.

Answers to Committee Member Questions

5. Councillor Theobald was informed by the agent that the existing garages were rented out to persons who were not locals, therefore, no extra parking would be created on local roads.
6. Councillor Nann was informed that the previous application was refused under delegated powers.
7. Councillor Cattell was informed that the new occupiers would be able to apply for parking permits.

8. Councillor Loughran was informed by the agent that the development was in an elevated position, and that the obscured glazed skylights allowed light into the dwellings but prevented overlooking the neighbouring properties. Obscure glazing and louvres were proposed for the first-floor windows and clear windows on the ground floor.
9. Councillor Robinson was informed by the case officer that the gardens would be different from others in the area and access to the south elevation would be from the rear garden.

Debate

10. Councillor Shanks considered the development a good use of the land. The councillor supported the application.
11. Councillor Cattell stated they knew the area and noted other back land buildings were well designed, however the proposals were not. They were a poor solution to the site, a modern design would be better, and only one dwelling.
12. Councillor Nann considered the development impacted on the amenities of neighbours.
13. Councillor Loughran considered the site to be very constrained and the development too close to neighbours, contrary to Planning policy DM26.

Vote

14. A vote was taken, and by 1 to 9 the committee did not approve the officer recommendation.
15. Councillor Nann proposed, and Councillor Robinson seconded a proposal that the application be refused for the same reasons given for the previous application as well as the impact on the conservation area.

Vote

16. The following councillors voted for the proposal to refuse the application: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Theobald, Winder and Loughran. Councillor Shanks voted against the refusal.
17. **RESOLVED:** The committee refused the application. The Planning Manager to agree the reasons for refusal with the proposer and seconder.

E BH2023/02163 - Shermond House, 58 - 59 Boundary Road, Hove - Full Planning

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

Speakers

2. Colin Wood addressed the committee as an objecting resident and stated that they were speaking on behalf of other residents. During the 18 months the application has been with the council the applicant has not contacted residents. In the amendments the large windows have been removed and a car park barrier has been erected to prevent use of the car park, cars are now parking to the east of Worcester villas. The application appears to be the same as the previous which was refused. The proposed metal side elevation panels could be easily removed, and windows inserted. The development is considered too large and overbearing. The committee were requested to refuse the application.
3. Ward Councillor Sankey sent a speech to read out as follows: I'd like to raise objections and concerns about factors that are material to your consideration of the application. There are a number of issues raised which are viewed *on balance* as not presenting a sufficient reason for the application to be opposed. Most importantly, overdevelopment. Having a detached building set to the rear of a primary building goes against the urban grain. And given the openness of the existing area, represents overdevelopment. It would remove much needed parking provision for the area, given the mixed commercial and residential use. This massing of office space would present significant visual disruption to residents on Worcester Villas. Applications for two-storey developments to the rear of the buildings fronting Boundary Road have been refused in the past due to "scale, massing and site coverage", having an "unduly dominant, discordant and unsympathetic relationship with the adjacent properties and an overbearing impact on the appearance of the wider area". City Plan Part 2 requires office space to be suitable for subdivision and flexible. As officer report notes there is a tension with this application and that policy requirement. It is inflexible and does not lend itself to flexible use. This, combined with the long term availability of similar office space in the area leads me to conclude that this type of inflexible office space is not currently warranted and that taken together with the objections, this application should, on balance be refused.
4. Simon Bareham addressed the committee as the agent acting on behalf of the applicant and stated that the previous application was refused for overlooking and this scheme has no windows. The first floor will have metal panels which are buttressed to give support. The size of the building has been taken into consideration, with the ground and first floors being sub divided. General improvements in the scheme include a green roof, a parking cover and will create approximately 18/19 jobs in area. The proposals overcome reasons for refusal. The committee were requested to agree the application.

Answers to Committee Member Questions

5. Councillor Hamilton was informed by the objector that the proposals were 4 metres from the closest boundary.
6. Councillor Cattell was informed by the case officer that the car park was defined by white lines. The agent informed the councillor that the car park was existing and was constructed at the same time as the building over it. The case officer noted that the 1972 planning permission included the car park.
7. Councillor Fishleigh was informed by the Planning Manager that reasons for refusal needed to be reasonable.

8. Councillor Hamilton was informed by the case officer that the report included conditions preventing change of use without planning permission.

Debate

9. Councillor Nann considered the previous objections to the large windows, still remained as the large building will overlook residents' gardens and that blocking the windows was insufficient. The councillor was against the application.
10. Councillor Cattell did not consider the application to be overbearing on neighbouring properties as there was some screening on the boundary. The councillor supported the application.

Vote

11. A vote was taken, and by 4 to 3, with 1 abstention, the committee agreed to grant planning permission. (Councillors Shanks and Theobald took no part in the vote or decision making process).
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2023/00839 - 9 The Ridgway, Brighton - Full Planning

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

Speakers

2. Ward Councillor Allen addressed the committee and stated that there were strong objections to the application, which is considered overdevelopment of the site. The ridgeway was a 1920s development with generous plots. The development is close to the neighbour's boundary and includes a roofscape out of character for the area. The development will lead to an increase in traffic at this busy section of the road, which is reduced to one lane by cars parking on both sides. The development will be a burden on parking and drivers. The committee were requested to refuse the application.

Answers to Committee Member Questions

3. Councillor Fishleigh was informed by the Planning Manager that it was not possible to refuse application on the basis that the Committee found the drawings submitted with the application difficult to read.

Debate

4. Councillor Robinson considered the proposals to be out of keeping with the area.
5. Councillor Loughran considered the design of the proposals to be out of keeping appearing to be a chalet building divided down the middle, with small windows and a large roof.

6. Councillor Cattell considered there were many different styles in the area with a lot of back land development. The design was not considered to be bad.
7. Councillor Robinson was concerned about the design as the site was too small for two dwellings, and they were not in keeping with the area.

Vote

8. A vote was taken, and by 2 to 4, and 1 abstention, the committee voted against the officer recommendation. (Councillors Shanks, Theobald and Allen took no part in the vote or decision-making process).
9. Councillor Robinson proposed, and Councillor Loughran seconded a proposal to refuse the application on the grounds that the proposals would have a detrimental effect on streetscene by virtue of the proportions of the building and its roofscape resulting in an incongruous feature with a negative impact on the character of the area.

Vote

10. A recorded vote was held, and the following councillors voted for the proposal to refuse the application: Nann, Robinson, Winder, Loughran. Against the refusal were councillors: Hamilton and Cattell. Councillor Fishleigh abstained. (Councillors Allen, Shanks and Theobald took no part in the vote or decision-making process).
11. **RESOVED:** The application should be refused and the wording to be agreed by the Planning Manager with the proposer and seconder.

G BH2023/02174 - 18 Rosebery Avenue, Brighton - Full Planning

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

H BH2023/01573 - 44 The Cliff, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Fishleigh was informed that there was a condition requiring a bin store at the site. The Planning Manager informed the councillor that the adding a condition to stop the change of use to House of Multiple Occupancy (HMO) was not necessary because planning permission would be required for such a use.
3. Councillor Cattell was informed by the case officer that there 5 bedrooms in total, 2 above and 3 below. The Planning Manager stated that 5 unrelated persons, and below,

was not considered an HMO. The case officer confirmed that the existing permission included a unilateral undertaking that the flat was ancillary to the ground floor flat. There was no condition to use as a 'granny annexe'.

4. Councillor Robinson was informed that the garden structures were ancillary to the ground floor flat.

Debate

5. Councillor Cattell did not consider the kitchen to be correctly located for Building Regulations.
6. The case officer noted that the bedrooms had means of escape other than through the kitchen.

Vote

7. A vote was taken, and by 5 to 2 the committee granted planning permission. (Councillors Shanks and Theobald took no part in the vote or decision-making process).
8. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

I BH2023/02170 - 25 Freehold Terrace, Brighton - Full Planning

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

56 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

57 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

58 APPEAL DECISIONS

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

The meeting concluded at 7.32pm

Signed

Chair

Dated this

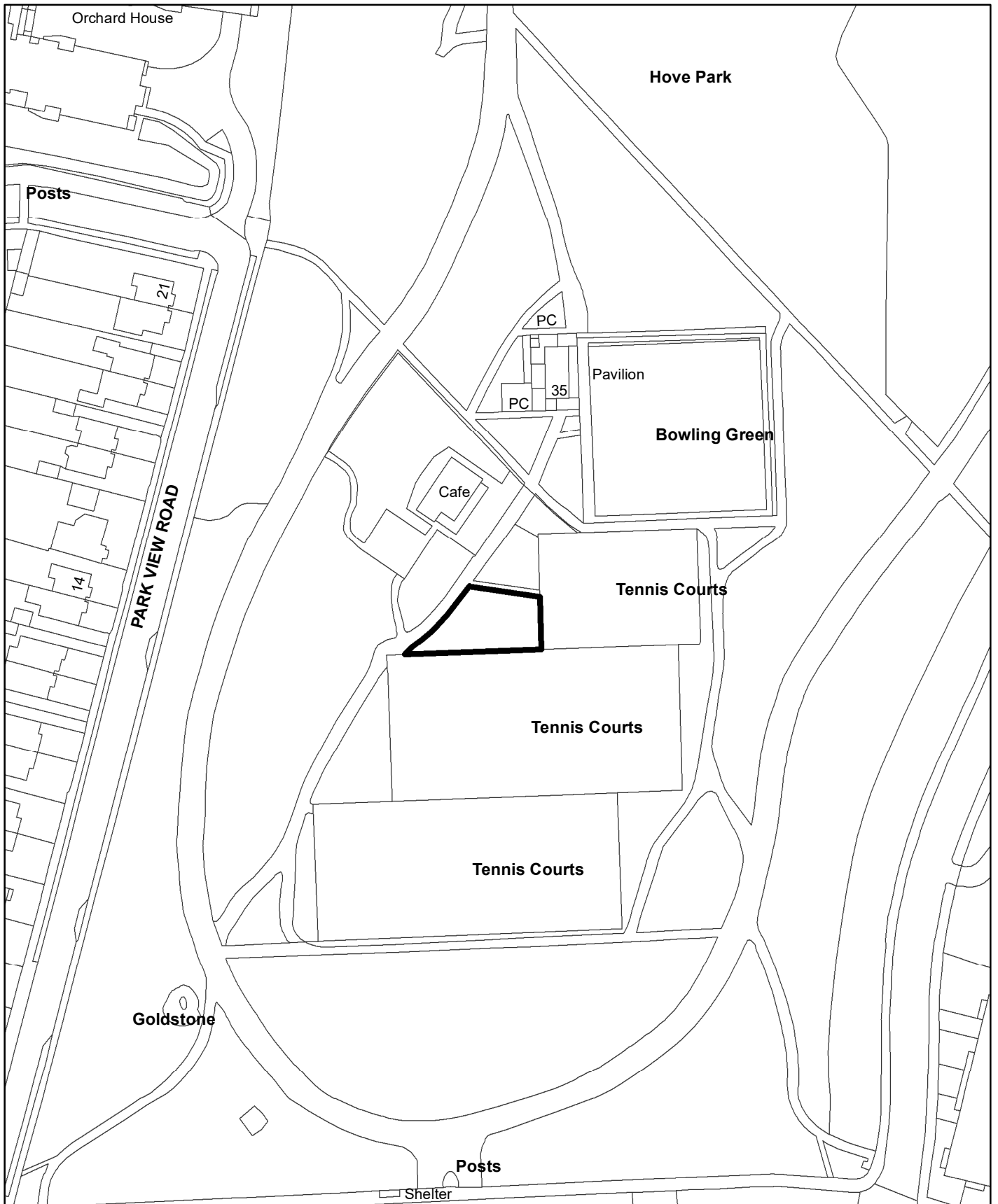
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ITEM A

**Tennis Courts, Hove Park
BH2023/02622
Full Planning**

DATE OF COMMITTEE: 6th December 2023

BH2023 02622 - Tennis Courts, Hove Park



N



Scale: 1:1,250

<u>No:</u>	BH2023/02622	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Tennis Courts Hove Park Old Shoreham Road Hove BN3 7BF		
<u>Proposal:</u>	Erection of single storey timber pavilion adjoining tennis courts with associated landscaping.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	02.10.2023
<u>Con Area:</u>	None	<u>Expiry Date:</u>	27.11.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Harp And Bright Ltd 64 Byron Street Hove BN3 5BB		
<u>Applicant:</u>	Hove Park Tennis Alliance Tennis Courts Hove Park Old Shoreham Road Hove BN3 7BF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	1040/1.001	A	18 October 2023
Proposed Drawing	1040/2.001	A	18 October 2023
Proposed Drawing	1040/2.002	A	18 October 2023
Proposed Drawing	1040/2.003	B	27 October 2023
Arboricultural Report	NJC2084	-	25 September 2023
Proposed Drawing	NJC2084_02_1 30923	-	25 September 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM18 and DM28 of the Brighton & Hove City Plan Part Two.

4. Prior to the use of the development hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c) details of measures that have been taken to ensure the building is accessible for persons of all abilities;

The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM18, DM22, DM28, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

5. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement prepared by Nicholas Jonas Consultants Limited are in place. The protection measures shall be 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 and 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 CP10 and CP15 of the Brighton & Hove City Plan Part One, DM22, DM28 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof and green wall 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 roof and wall 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 policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

7. Within six (6) months of first use of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

8. Prior to first use of the development hereby approved, details of the photovoltaic array as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first use of the development hereby permitted and maintained in place thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

- 9.
- (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than

sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.

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

2. SITE LOCATION

- 2.1. The application site is an area of land within the locally listed Hove Park, located on the northern side of Old Shoreham Road (the A270). The site is adjacent to seven tennis courts provided towards the southern end of the park. It is a grassed area of approximately 580m² in area located to the south of The Pavilion Tea House, and is currently home to two table tennis tables and a small hornbeam tree. It is designated Open Space, a Nature Improvement Area, and within an Archaeological Notification Area.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Formerly part of the Stanford Estate and used for market gardening and agricultural land, the land forming Hove Park was purchased by Hove Borough Council for use as a public park on 30th October 1899. The southern part of the park was officially opened on 24 May 1906 with further sports facilities and a drinking fountain added by 1908. Works to the northern half of the park continued over the next decade. The designs had to respect The Drove way, which formed an ancient droving route across the area.
- 3.2. The sports facilities are focussed to the south of the park, with grassed areas and mature trees to the north. Along Old Shoreham Road, there is a terracotta structure housing a plaque to commemorate the opening of the park. In the southwest corner is the 'Goldstone'. It likely formed an outlier to a stone circle in the area and was known as a 'Druidical stone'. It was re-erected in its current location having been buried for many years. The pavilion dates from 1925, originally containing a café, dressing rooms and toilets. Wooden fencing surrounding the site was removed in 1937 in order to make the park more

accessible. The miniature railway opened in 1951 (formerly at Withdean Olympic Stadium).

4. RELEVANT HISTORY

- 4.1. **BH2022/02299** Erection of single-storey timber pavilion adjoining existing tennis courts incorporating covered terrace, cycle storage, associated landscaping and fencing. Refused for one reason:

“The proposed development will result in the loss of a Council-owned White Mulberry tree due to it creating an unacceptable accumulation of development around said tree (detrimentally impacting on its root system) and requiring significant pruning. Loss of this tree would represent harm to the visual amenities of the area and local biodiversity, contrary to policies CP10 and CP13 of the Brighton & Hove City Plan Part One, and DM22 and DM37 of the Brighton & Hove City Plan Part Two.”

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2017/02805 - The Pavilion Tea House** Erection of single storey cafe to replace existing cafe (A3), including w.c. facilities and external covered seating. Approved

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought for the erection of a detached pavilion building featuring a green roof design and canopy and raised decking around three of its sides. The building would provide a seating area, a W/C, storage space, and a refreshment area for users of the tennis courts and football pitches. External materials include timber cladding, with a section of green wall on the north façade, and aluminium fenestration. The building is designed to be wheelchair accessible, and a solar panel array sits atop the green roof. Also included in the proposed development is an area of biodiverse planting on the west side of the building, replacing a grassed patch of land approximately 33m² in area.

7. REPRESENTATIONS

- 7.1. Fifty (50) representations have been received, objecting to the proposal on the following grounds:
- Potential impact on the health of nearby trees
 - Potential cumulative impact of the proposed development and the extant permission at the café.
 - The pavilion is too large.
 - A pavilion should only be permitted as part of a park-wide masterplan.
 - Loss of Open Space
 - Loss of view across the park.
 - Lack of 3d images in the submitted information.
 - Increased congestion on pathways from additional footfall.

- Insufficient public consultation - not in accordance with Statement of Community Involvement 2015.
 - The previous location assessed under application BH2022/02299 should be re-assessed.
 - The building will be used only by a small section of the community.
 - Disruption during the construction process.
 - Loss of light/overshadowing
 - Too much building work close to dwellings.
 - Loss of table tennis facilities
 - Cost to the Council from water and electricity used by the pavilion.
 - The Council should be providing better public toilets.
 - The pavilion would be an eyesore.
 - Lack of information on long-term maintenance
 - The biodiversity checklist is uncredited.
 - Existing buildings should be utilised instead of building new.
 - The proposed development could set an undesirable precedent.
- 7.2. A petition has been received with two hundred and six (206) signatures, objecting to the proposed development on the ground of its location.
- 7.3. Eighty-three (83) representations have been received, supporting the proposal on the following grounds:
- Improved sports facilities
 - Improved toilet and changing facilities.
 - The pavilion is well designed.
 - Biodiversity improvements are included in the design.
 - No trees are proposed to be lost.
 - The pavilion is wheelchair accessible.
 - The table tennis tables are to be relocated, not removed.
 - The space is not currently used for children's play.
 - There is plenty of other space that children could play in.
 - The pavilion would not block views to most of the tennis courts from the café.
- 7.4. Three (3) representations have been received, making the following comments on the proposal:
- One building conjoining the café and tennis pavilion uses would be preferred.
 - Clarification is required on whether the toilet facilities will be open for use by all members of the public, and what the opening hours would be.
 - Having a privately accessible toilet is likely to lead to conflict.
 - Windows may be subject to vandalism.

8. CONSULTATIONS

8.1. Arboriculture - Verbal **No Objection**

No Objection, subject to the power and water supplies being as shown on the proposed plans, and subject to the tree protection measures proposed in the Arboricultural Method Statement being implemented.

8.2. **Brighton and Hove Archaeological Society Comment**

The proposed development lies close to the location of a possible Roman site, indicated by finds of pottery and roofing tile. Hove Park has also had finds of Neolithic flintwork.

8.3. **City Parks - Verbal Support**

8.4. **County Archaeology No Objection, subject to conditions**

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

8.5. **Heritage No Objection**

The proposed position for the pavilion will add to the existing cluster of park buildings and is considered appropriate. There is no objection to the overall form of the structure or the proposed natural timber cladding. It is considered that the provision of the building will support the continued use of the park for sports activities which is identified as part of the park's significance and the heritage team therefore considers that the proposal is appropriate.

8.6. **Sports Facilities - Verbal No Objection**

8.7. **Transport No Objection, subject to conditions**

The proposed development should provide a minimum of two Sheffield cycle stands, secured by condition, in the interests of encouraging active travel to/from the site.

9. MATERIAL CONSIDERATIONS

9.1. 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.

9.2. 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.

10. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP8	Sustainable Buildings
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage
CP16	Open Space
CP17	Sports Provision

Brighton & Hove City Plan Part Two (CPP2)

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

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

WMP3	Implementing the Waste Hierarchy
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11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and park visitors; on highway safety; on biodiversity; and on the historic significance of Hove Park as a locally listed heritage asset. A site visit was undertaken in October 2023.

Principle of Development

- 11.2. The application site lies within Hove Park which is designated Open Space and proposes improved Sports Provision; therefore, policies CP16 and CP17 of the CPP1 are relevant.
- 11.3. Policy CP16 states:
“Planning permission resulting in the loss of open space...will only be granted where: The proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access;...”
- 11.4. Policy CP17 supports the provision/enhancement of sports facilities, including the following:
“To facilitate the council's aspiration to increase participation in sports and physical activity, the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces through the following:
- ...
2. *Require [sic] the retention, seek the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces in accordance with the Sports Facilities Plan and the Open Space, Sport and Recreation Study and subsequent approved revisions, audits and strategies...*
 5. *Require [sic] new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates...*
 6. *New sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards, optimise their accessibility and affordability to all users, including the local community and visitors. Proposals should seek to improve the variety of provision in the city and increase participation in sport and physical activity, especially from sectors of the community currently under represented.”*
- 11.5. The proposed development would result in the loss of approximately 136m² of grassed space within Hove Park to provide the footprint of the building and accessway, and a further 32m² to be relandscaped with a variety of planting.
- 11.6. Concerns have been raised that the wider area (the 580m² between the café and the tennis courts) is used by visitors to the café to sit and play with children, or watch tennis. The proposed development would maintain approximately 412m² (or 71%) of the existing space, which could continue to be used for this purpose, including the areas closest to the café itself. It is therefore considered that the space would remain usable for informal recreation and public amenity, and also noted that there is significant open grassed space in the wider surroundings for such use.
- 11.7. It is considered that the development would enhance sports facilities in Hove Park by providing storage, refreshment and toilet facilities and an internal seating area. The benefits to the sports offer within the park is considered to be more significant than the minor harm caused by the loss of part of the grassed

area in this instance, and there is therefore no conflict with CPP1 policies CP16 and CP17.

- 11.8. The existing table tennis tables would be required to be relocated elsewhere within the park; the City Parks team is able to manage these works outside the scope of this application.
- 11.9. Concerns have been raised that the proposed development would be used by only a small section of society. However, it is designed to serve users of the publicly-available tennis courts and football pitches which is considered a significant enough userbase to warrant a development of this scale.

Design and Appearance

- 11.10. The proposed building is similar in scale to the existing two buildings in this area of the park, namely the café, and the health and fitness centre/public toilets. It would be single storey in height with a flat roof form, reducing its visual profile. Lightweight external materials such as timber cladding are considered suitable for this location, and the features such as green roof and wall will soften the appearance of the structure.
- 11.11. The original scheme has been amended to enliven the north and west elevations, which would be the most prominent as viewed from the closest pathway, and it is considered that the appearance of the development would be acceptable. Improvements to the design included the installation of a living green wall on the northern elevation, and alternating materials on the west elevation. Planning conditions would be attached to any permission granted, requiring further details on all external materials, including the specifications for the green wall and roof, to guarantee design quality.
- 11.12. Concerns have been raised that the proposed development would cause a loss of views of the tennis courts for café patrons. The development would impede some views of courts 1-3 from the seating area in front of the café but as views are not a material consideration this cannot be given weight.
- 11.13. Concerns have been raised that no information on the long term maintenance plan for the building has been submitted. This information is not typically required as part of a planning application; the Council has powers to ensure that the appearance of the building would not degrade over time to the extent that it harms the visual amenities of the power, so concerns over maintenance for a scheme of this scale would not justify reason to withhold permission.

Impact on Heritage Assets

- 11.14. Hove Park is a non-designated heritage asset; the southern half of the park has been in use for sports-related activities since as early as 1908 and remains in such use to this date. Given the developed setting of the proposed development (i.e., adjacent to tennis courts and nearby to several other buildings) and its use to support sports functions, it is considered that it would have a neutral impact on the historic significance of Hove Park.

- 11.15. The proposed development is a sufficient distance from the Engineerium Conservation Area (and the listed buildings within it) that it should have a neutral impact on the historic significance of these designated heritage assets.

Impact on Amenities

- 11.16. The proposed development is single storey in height, and it is not considered that the shadow it would cast would be significantly harmful to park users; the LPA holds no concerns in this regard. It has been asserted that it would reduce the light to the seating area in front of the café but given the scale of the development and the separation between it and the seating area (approximately 14m) the potential harm in this regard is considered limited.
- 11.17. The proposed development is not considered likely to significantly increase activity or noise output from the park around the tennis courts that is likely to impact on the amenities of park users or the occupants of the closest residential dwellings (approximately 70m to the west on Park View Road) so concerns raised through public consultation are not shared by the LPA. The new development would also not be highly visible from Park View Road so would not impact on residents in this regard.
- 11.18. The potential impact caused by the building work itself is not a material planning consideration to be given any weight in the assessment of the 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 development site is approximately 70m from the closest dwellinghouses (on Park View Road); given the scale of the construction significant disruption to residents is not anticipated.

Impact on the Public Highway

- 11.19. Concerns have been raised that the proposed development would result in congestion within the park. Due to the scale of the development and its use associated with the existing tennis courts it is not anticipated that it will lead to a significant increase in foot traffic that existing infrastructure would be unable to accommodate; the Local Highway Authority has also not objected to the development.
- 11.20. The Local Highway Authority has requested that secure cycle parking should be part of the proposal in the interest of encouraging trips to and from the site by sustainable means. In this instance it is considered that the benefits of cycle parking need be weighed against the loss of more open space for cycle parking and the necessary access. Given the public location and high foot traffic in the area it would also be undesirable to site the cycle parking on the north or west sides of the development where parked cycles would be less visible and more vulnerable to theft or vandalism. There would also be significant value in providing a larger communal cycle parking bank that could serve a wider array of park users, rather than a piecemeal approach. In this instance, therefore, it is not considered essential for cycle parking to be secured as part of this proposal.

Biodiversity

- 11.21. The proposed development includes significant biodiversity improvements within the immediate area. The existing land is grassed and offers limited

biodiversity; the development features a biodiverse roof, a green wall, and an area of approximately 32m² of biodiverse planting which itself would include silver birch trees. These are all welcome features of the development; further details shall be secured by condition to ensure that biodiversity enhancements are maximised.

- 11.22. It has been asserted in the representations received that the Biodiversity Checklist is uncredited so cannot be taken into consideration; the LPA has not been presented with reasonable grounds to doubt the findings of the document. The development is a single storey building erected upon a grassed area; it is not anticipated to have any significant impact on existing local biodiversity.

Arboriculture

- 11.23. The proposed development is in close proximity with two trees: a small Hornbeam and a large Sycamore. The development does not intrude into the root protection areas of either tree; it is not considered that there would be any significant impact on the health of either tree. A scheme for the protection of both trees (including temporary fencing and a construction inclusion zone) has been submitted and is considered to be sufficient to maintain the health and safety of the trees. Development in accordance with the tree protection plan shall be secured by condition.

- 11.24. The cumulative impact of the proposed development and the extant permission BH2017/02805 has been questioned in the representations received. As abovementioned, the proposed development does not impact on the root protection areas of either of the closest trees so there should be no cumulative impact.

- 11.25. It has been stated in the representations received that the area of the refused application BH2022/02299 should be reviewed. Said application was refused by the Planning Committee in accordance with the case officer's recommendation due to the anticipated loss of a tree on the site; the LPA has not been presented with any evidence that the situation has changed in this regard since that decision was issued in February 2023, so a review of the acceptability of the previously proposed site has not been justified.

- 11.26. It has also been stated in the representations received that loss of trees should be considered acceptable since they can be replaced. This view is not shared by the LPA; best practice is to retain existing trees and design around them, rather than replacing them with immature specimens that will take years to mitigate the loss to biodiversity caused by the removal of mature trees.

Sustainable Drainage

- 11.27. A soakaway just east of the proposed building is shown on the Proposed Site Plan. Given the relatively modest scale of the proposed development and its presence in the middle of a grassed area, it is not anticipated that it will constitute any significant flood risk; however, further details will be required by condition as part of a wider landscaping scheme to ensure the development is sustainable in this regard.

Sustainability

- 11.28. The proposed development includes a solar panel array on its rooftop, which will generate clean renewable energy; this is welcomed in principle and shall be secured by condition. A condition shall be included with any permission granted that the development achieve a minimum BREEAM New Construction rating of 'Very Good', in order that it meets the LPA's sustainability targets.

Other Considerations

- 11.29. It has been asserted in the representations received that the Council has not advertised the scheme in accordance with its Statement of Community Involvement 2015, stating that public meetings should have been held; however, the section of the Statement that has been referenced details voluntary measures that developers are encouraged to undertake for major applications, and so is not relevant to the current scheme. The LPA advertised the scheme in accordance with the Statement: letters were sent to adjacent residential dwellings; public notices have been displayed in the park; and the application was displayed on the Council website on the weekly list.
- 11.30. The site lies within an archaeological notification area; the County Archaeologist has confirmed that they have no concerns with regards to the proposed development, subject to a condition requiring a programme of archaeological works.
- 11.31. 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.
- 11.32. Concerns have been raised that the Council would be paying utility bills for the development; this not been confirmed and furthermore is not a material planning consideration. Likewise, the opinion that the Council should provide better public toilets is not a material consideration for this application.
- 11.33. Whether the new W/C facilities will be open to the general public has been raised as a concern; however, this is not a material planning consideration, and the close proximity of existing public toilets to the site is noted .
- 11.34. It has been alleged that the proposed development may be vandalised; there is inherent risk with all development, particularly in public areas, but this would not be reasonable grounds to refuse planning permission.
- 11.35. The application has been critiqued by members of the public for not including predictive 3D images; this has not prejudiced the LPA's ability to assess the planning merits of the proposal.

Conclusion

- 11.36. The proposed development would improve the sports facilities offer within Hove Park by providing storage, seating, refreshment and W/C facilities for use by the tennis court and football pitch users. The loss of a contextually small area of

open space is considered to be justified in this instance. The development is considered to be well-designed in terms of appearance and is not anticipated to have any detrimental impact on the amenities of local residents or park users. The development has been designed in a manner that will safeguard existing trees around the site and improve local biodiversity.

12. EQUALITIES

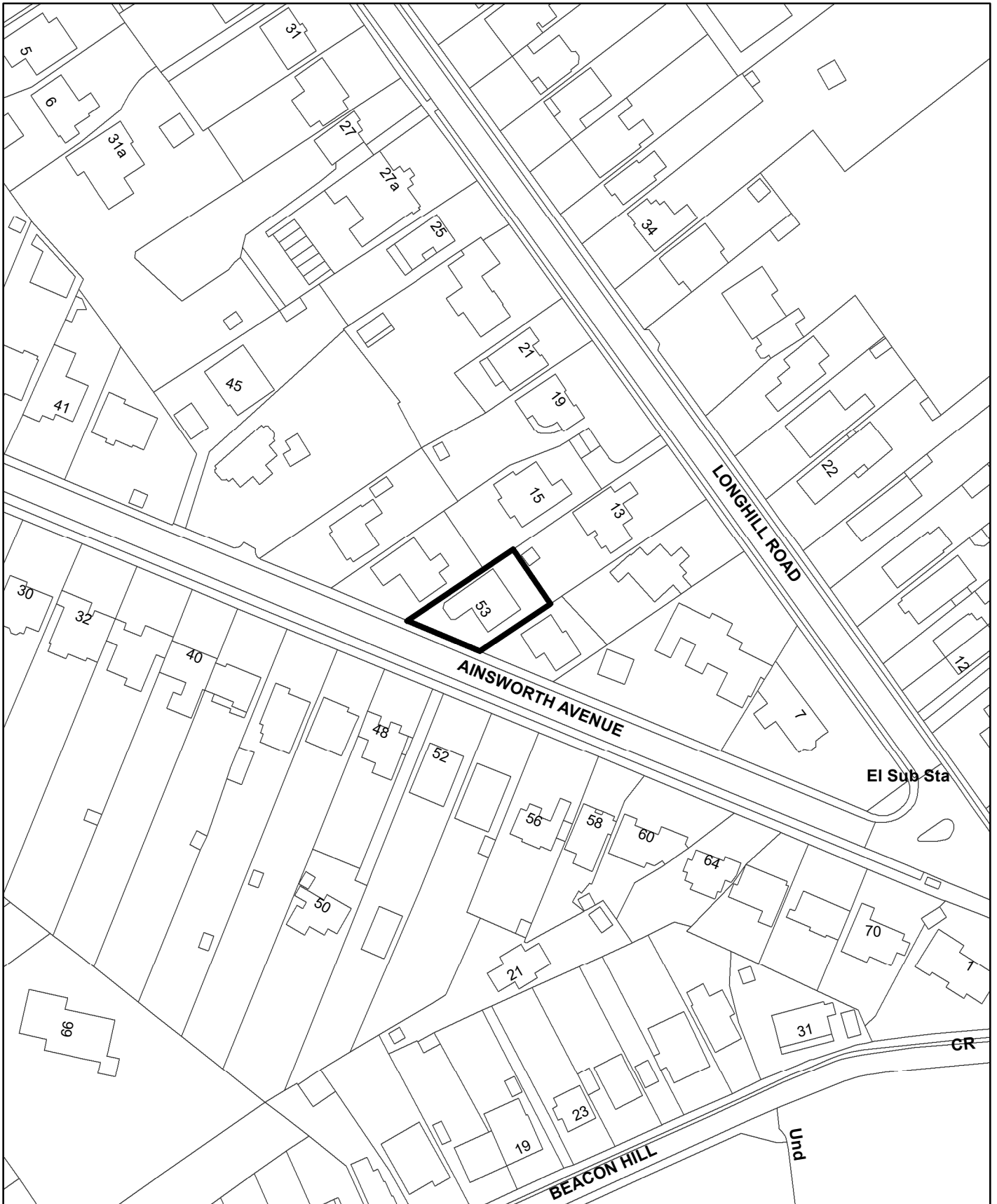
- 12.1. The building would include a ramped access and level thresholds so would be fully accessible by wheelchair, including the WC.

ITEM B

**53 Ainsworth Avenue
BH2023/02398
Householder Planning Consent**

DATE OF COMMITTEE: 6th December 2023

BH2023 02398 - 53 Ainsworth Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2023/02398	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	53 Ainsworth Avenue Brighton BN2 7BG		
<u>Proposal:</u>	Erection of roof extension to form new first floor level with flat roof and integrated solar panels, extension to square off ground and first floor bay windows with terrace above plus privacy screen and integrated living roof, 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>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	29.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	24.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Wilbury Planning Ltd No.5 61-63 Wilbury Road Hove BN3 3PB		
<u>Applicant:</u>	Rowan and Ian Meyer and Storey 53 Ainsworth Avenue Brighton BN2 7BG		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	21142-P-001		29 August 2023
Proposed Drawing	21142-P-010		29 August 2023
Proposed Drawing	21142-P-011		29 August 2023
Proposed Drawing	21142-P-012		29 August 2023
Proposed Drawing	21142-P-013		29 August 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 any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of the proposed window, door and balcony treatments
- d) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18/DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the details on the drawings hereby approved, the first floor front terrace hereby approved shall not be first brought into use until the privacy screens shown on drawings 21142-P-011, 21142-P-012 and 21142-P-013 have been installed. The screens 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.

5. The driveway hereby permitted shall not be used until the new crossover and access has been constructed.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

6. 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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact

the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.

2. SITE LOCATION

- 2.1. The application relates to a bungalow with living accommodation in the roof, located on the northern side of Ainsworth Avenue in Ovingdean. The property has a basement level garage, with the land sloping upwards to the rear (north) and side (east). The surrounding area is wholly residential in character comprising detached two storey houses and bungalows of a variety of styles and designs, set within plots of differing scale.

3. RELEVANT HISTORY

- 3.1. **BH2022/03398** 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. Refused 06.02.2023 for two reasons:

- “1. *The proposed development, by reason of the additional height, bulk and positioning of the roof level development and its proximity to the shared boundary with No. 51 Ainsworth Avenue, would have an overbearing impact on this neighbour. The proposal would result in a significant increase in the sense of enclosure and would overshadow the neighbouring property's rear garden. In addition, the proposed front roof terrace, by reason of its scale and positioning, would result in an unduly overbearing feature which would cause a loss of privacy and result in a perceived sense of overlooking. The proposal is therefore contrary to policy DM20 of the Brighton and Hove Local Plan Part Two.*
2. *The proposed development, including front roof terrace, by reason of its overall scale and bulk, together with its proposed design and position within the streetscene, would result in an overly dominant and incongruous development, which would be out of character with the area. The proposal is therefore contrary to policies CP12 of the Brighton and Hove City Plan Part One and DM18 and DM21 of the Brighton and Hove City Plan Part Two.”*

- 3.2. The refusal was appealed but dismissed on 10.07.2023. The Inspector found the design to be acceptable, and only refused it on a single ground, namely harm to neighbouring amenity.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the erection of a first floor extension with a roof terrace at first floor level. The footprint of the dwelling would be slightly increased to square-off the front projecting bay element.
- 4.2. The application is an amended resubmission of refused application BH2022/03398. The key differences between the 2022 and the current scheme include:
- The first floor level of proposal and main house would be set one metre in from the current line of the side gable on the western side
 - Reduction of the front terrace
 - Installation of privacy screens to the side of the roof terrace
 - Provision of a green living roof to the external space adjacent to the front roof terrace

5. REPRESENTATIONS

- 5.1. Sixteen (16) letters have been received objecting to the proposed development on the following grounds:
- Overbearing and too large
 - Overdevelopment
 - Overshadowing
 - Loss of light
 - Loss of outlook / enclosing impact on adjoining gardens
 - Incongruous design and out of keeping
 - Adverse impact on conservation area
 - Increased noise and disturbance
 - Loss of privacy
 - Impact on trees, wildlife, flora and fauna
 - Impact to utilities/services
 - Impact on property value
 - Traffic/highways impact.
- 5.2. **Ovingdean Residents & Preservation Society:** Objection due to loss of amenity, overdevelopment/out of keeping.
- 5.3. **Councillor Bridget Fishleigh:** Objection. A copy of this representation is attached to this report.

6. CONSULTATIONS

Internal

- 6.1. **Sustainable Transport:** Verbal Comment:
The applicant is proposing two car park spaces (and garage). If LPA is minded to grant, a crossover condition is necessary as there is no formal crossover at present. The crossover will need to be wide which is acceptable in principle in

this location. However, the layout/depth of the hardstanding is not standard on the eastern edge and will need to be agreed with the crossover team. (refer to highway guidance for the dropped kerb). The garage is being retained and cycle parking can be stored conveniently. It is unlikely to generate a significant increase in trips to the site.

- 6.2. [Note: comments related to the previous application but the present proposal is unchanged in highway terms].

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
CP10	Biodiversity
CP12	Urban Design

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Document:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts of the development on the character and appearance of the existing property, streetscene and surrounding area, the impacts on neighbouring amenity, impact on highway and sustainability. The previous decision relating to a similar development must also be taken into account in determining the application.

Background

- 9.2. As noted above, an application was refused by the Local Planning Authority in February 2023 on two grounds relating to design and impact on amenity. This was appealed, with the Inspector upholding the refusal.
- 9.3. Whilst the Inspector agreed with the reason for refusal relating to the impact on amenity, particularly with reference to the neighbouring property No. 51 Ainsworth Avenue, they did not agree with the reason for refusal relating to the design and appearance of the proposed development and its impact on the streetscene. This was due to the diverse range of housing designs already within the streetscene.
- 9.4. As a result, the revisions to the current scheme have been made by the applicant to address the impact of the proposed development on neighbouring amenity.

Impact on Character and Appearance:

- 9.5. The site is located in a suburban residential location with a streetscene comprised of dwellings of varied design and scale. The site is some distance away from the Ovingdean Conservation Area and would not affect its setting.
- 9.6. The proposed extension would create an additional full first floor in place of the existing pitched roof. The existing single storey projecting bay feature would be squared off, slightly increasing the footprint and a flat roof terrace would be created above. A green roof would also be constructed on the flat roof. The first floor would be clad in timber with new aluminium framed windows and cladding detailing throughout. The ground floor would be rendered and painted grey.
- 9.7. In terms of its design and appearance, the proposal is similar to that of the refused 2022 application, but incorporating the set-in of the first floor and reduction of the front balcony which would not substantially alter the appearance of the overall development. The Inspector stated in relation to the previous application that:
“The proposal would substantially change and remodel the existing house with new materials including grey render, vertical timber as well as zinc or aluminium cladding. However, the footprint of the building would not be significantly altered, retaining the existing spacing with the neighbouring dwellings. The overall height of the dwelling would not be increased although there would be an increase in massing, but given the range of property sizes in the vicinity, I do not consider that this would result in the dwelling appearing overly prominent in the street scene.”
- 9.8. The Inspector also disagreed with the LPA that the proposed front balcony feature (now reduced in scale) would be dominant or incongruous, concluding

that this feature would not be unduly prominent in the street scene. Overall, the Inspector considered the design and appearance of the proposed development to respect the varied street scene.

9.9. Given the recent date of the appeal decision and the similarities between the refused scheme and the present application, the Inspector's decision must be given significant weight in determining it. Given that the revisions to the scheme have not substantially altered the overall appearance, it is considered that the proposal would not result in significant harm to the character or appearance of the existing site, streetscene or the surrounding area. The reduction of the roof terrace and inclusion of the green roof are also considered to be improvements to the scheme.

9.10. As such, the development would comply with policies DM18 and DM21 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One.

Impact on Residential Amenity:

9.11. In considering whether to grant planning permission for extensions to residential properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

9.12. Policy DM20 of the Brighton & Hove City Plan Part Two states:
“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...”

9.13. The property most affected by the proposal would be no. 51 Ainsworth Avenue to the west, which is a bungalow with a modest rear garden, set at a lower ground level due to the gradient of Ainsworth Avenue.

9.14. The Inspector stated in the appeal decision that:
“As a result of the roof changes, and although the ridge height of the appeal property would not be increased, there would be a considerably greater mass of built form adjoining No. 51. Given the proximity of the appeal property to the boundary with No.51 and the limited depth of the rear garden, I consider that the proximity of the increased massing would be overbearing and would have an enclosing effect; this would materially harm the outlook of the neighbours at No.51 both from rear facing rooms as well as their rear garden.”

9.15. The Inspector also concluded that the applicant had not provided sufficient information to demonstrate that the development would not have an impact on the light and overshadowing, which formed part of the Council's reason for refusal.

9.16. Whilst the current proposal would create a similar level of bulk and massing as that previously refused, the side wall of the upper level would be set a further 1 metre from the edge of the existing ground floor, and a total of 2 metres from the shared side boundary. Whilst 1m could be considered to be a relatively small

inset, in this case the neighbouring property is already affected by the existing side gable wall at first floor which has a somewhat dominant impact on their garden area. Setting the entire first floor away (including gable wall) by 1m therefore not only reduces the impact of the proposed extension, but also reduces the impact of the existing side wall of the house. It is therefore considered that, on balance, the overall impact of the development would not be as significantly overbearing, enclosing or result in the same levels of loss of outlook as identified in the previous application, and is acceptable.

- 9.17. Studies have been undertaken by the applicant which have assessed the potential daylight, sunlight and overshadowing impacts on 51 Ainsworth Avenue. The findings conclude that the rear windows of that property would experience a slight change in probable sunlight hours however as the change would not be a reduction in sunlight hours greater than 4%, the BRE guidance is met and the impact is classed as negligible. The overshadowing of the existing and proposed dwellings were also calculated and concluded that any increase in overshadowing is deemed as being insignificant when compared to the existing levels. Overall, the findings of the report state that the proposed development would have a negligible impact on No. 51. Officers have interrogated the report and agree with its conclusions.
- 9.18. It is therefore considered that any loss of light or overshadowing that would occur it would be minimal, and due to the increased separation distance, the other harmful impacts such as an overbearing impact and loss of outlook have been sufficiently reduced so that overall the proposal would not result in significant harm to the amenity of the neighbouring property.
- 9.19. No upper floor side windows have been proposed facing no. 51. A side-facing window is proposed at ground floor but would be obscure glazed and due to its positioning, would be unlikely to result in any overlooking or loss of privacy.
- 9.20. The proposed front roof terrace, has been significantly reduced in scale. As part of the 2022 application, the terrace spanned the full depth and width of the flat roof and it would now have a depth of 2.3m and width of 4m. A 1.8m screen, would be positioned along depth of the terrace on the shared boundary with No. 51. The significant reduction in scale of the terrace and screening is considered to have satisfactorily address previous concerns that the terrace would be unneighbourly and overbearing towards No. 51. The terrace would not result in undue noise or disturbance. It is also noted that within the appeal decision, the Inspector did not agree that the previously proposed terrace would be detrimental. Conditions will be attached to ensure that the screen is installed prior to the first use, to ensure that no harmful overlooking or loss of privacy would occur.
- 9.21. The Inspector raised no concerns regarding the impact of the scheme on other properties.
- 9.22. To the east of the site is no. 55 Ainsworth Avenue, a two storey dwelling, set a slightly higher land level. The application site is set approximately 2m from the shared boundary with this property. The separation distance coupled with the

land level changes, ensure that the additional bulk and height of the proposed development would not result in a significant impact to this neighbouring property.

- 9.23. No first floor windows would be located within the western elevation.
- 9.24. The proposed roof terrace, due to the separation distances and obscure glazed screening would not have a significant impact on no. 55.
- 9.25. The development would not adversely affect the neighbouring properties opposite due to the separation distances. The properties to the rear of the site are set at a significantly higher level, with the rear gardens at a similar level to the ridge height of the properties on Ainsworth Avenue. Given this height difference the properties would not be unduly affected by the proposals.
- 9.26. To conclude, the merits of the proposal in terms of impact to no.51 are finely balanced, and it is acknowledged the proposal would have some impact to that property. However, it is considered that the changes proposed are significant enough to overcome the previous concerns. It is considered that a refusal of permission cannot be sustained, and the proposal would comply with Policy DM20.

Sustainable Transport:

- 9.27. The applicant is proposing two car park spaces and a garage at basement level. There is no objection to this.
- 9.28. The Highways Officer has recommended that a condition be included to ensure that a crossover is constructed at the site prior to the driveway being used as there is no formal crossover at the site at present. The boundary walls will also require alteration to ensure that the opening is wide enough to comfortably allow two cars access. This is because the layout/depth of the hardstand is not standard on the eastern edge. Separate authorisation may be required from the Council's crossovers team and an Informative has been attached to notify the applicant of this.
- 9.29. A garage is being retained and cycle parking could be provided that would be secure and convenient. The development is unlikely to result in any significant harm to the highway or result in an increase in trip generation.
- 9.30. The proposal is therefore acceptable in highways terms, in compliance with policies DM33 and DM36.

Other considerations:

- 9.31. There would be no adverse impact on trees, wildlife, flora and fauna. The inclusion of a green living roof is encouraged as this has sustainability benefits, and incorporation of bee brick is recommended also.
- 9.32. Any potential impacts in terms of utilities/services or property values are not material planning considerations.

10. EQUALITIES

- 10.1. No issues have been identified that would result in anyone with protected characteristics being disadvantaged by the proposed development, or having been disadvantaged during consideration of the application.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Bridget Fishleigh
BH2023/02398 – 53 Ainsworth Avenue

28th September 2023:

If officers recommend that this application be granted then please can it come to committee for a decision.

This revised application is basically the same as the previous one that was refused and the issues are still the same:

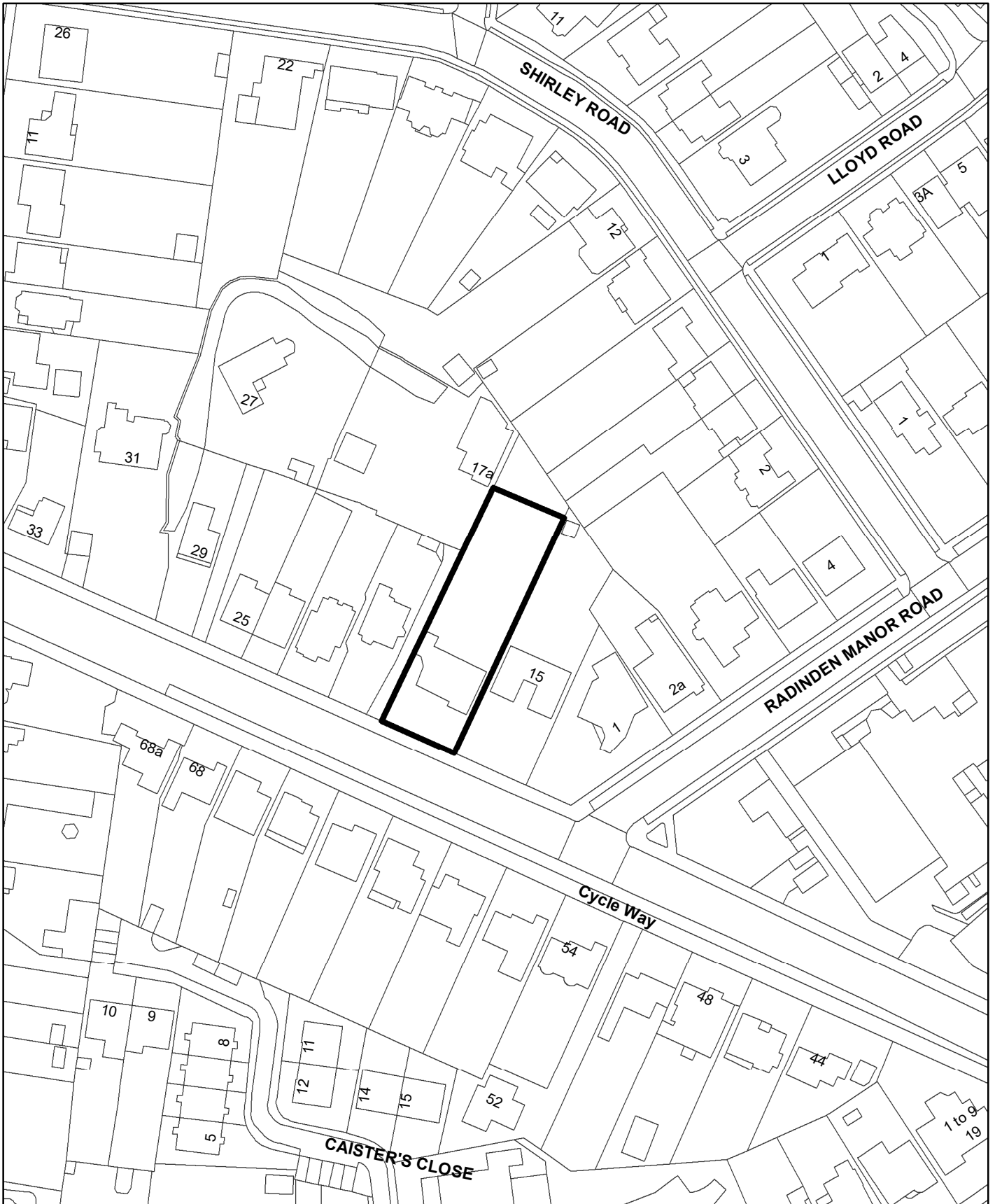
Overlooking and loss of privacy
Loss of light and overshadowing

ITEM C

**17 Old Shoreham Road
BH2023/01254
Full Planning**

DATE OF COMMITTEE: 6th December 2023

BH2023 01254 - 17 Old Shoreham Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/01254	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Old Shoreham Road Hove BN3 6NR		
<u>Proposal:</u>	Erection of a two storey dwelling (C3) over ground and lower ground floors on land to rear of existing care home (C2) and demolition of two storey west wing, erection of single storey rear extension, revised fenestration and alterations to an existing rear external fire escape, erection of summer house to rear, landscaping and associated works to the care home and access to the dwelling to the rear. (part retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.06.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	24.08.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DK Architects 9 Hove Park Villas Hove BN3 6HP		
<u>Applicant:</u>	Mr Khalid Chaudhry 19 Winborne Grove Watford WD17 4JE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	P7	F	26 June 2023
Proposed Drawing	P8	F	26 June 2023
Proposed Drawing	P9	F	26 June 2023
Location Plan	190502/S0	C	29 June 2023
Block Plan	190502/P0	C	26 June 2023
Proposed Drawing	P1	J	17 November 2023
Proposed Drawing	P2	G	15 November 2023
Proposed Drawing	P3	F	26 June 2023
Proposed Drawing	P4	F	26 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. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouses, within the

curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies DM20 of Brighton & Hove City Plan Part Two.

4. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.
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.
5. 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.
6. One bee brick or more shall be incorporated within the external wall of the dwelling and one bee brick or more shall be incorporated within the external wall of the rear extension 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.
7. The development hereby permitted shall incorporate at least 2 (two) swift bricks/boxes within the external wall of the dwelling and at least 2 (two) swift bricks/boxes within the external wall of the rear extension 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.
8. 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.
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.
9. Access to the flat roof over the dwelling hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of Brighton & Hove City Plan Part Two.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

12. 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.

13. The ground floor windows (serving lounge and dining room) located on the eastern elevation of the dwelling hereby permitted shall be obscure glazed and thereafter shall be 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.

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 type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: To protect the appearance of the development in the interest of the visual amenities of the area and to safeguard the privacy of the occupiers of the existing care home and adjoining properties and ensure sufficient amenity space is retained for the occupiers of the care home and to comply with policies CP12 of the Brighton & Hove City Plan Part One and DM20 and DM21 of the Brighton & Hove City Plan Part Two.

16. Tree planting must be minimum extra heavy standard - 16-18 cm nursery stock size. Stock must be home grown nursed specimens avoiding directly imported stock.

Reason: To enable early establishment and clear visibility of replacement boundary vegetation and to reduce the risk of the introduction of pests and diseases and to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two.

17. The proposal to mitigate the loss of five trees on site with four *Ulmus lobel* and three *Betula utilis 'Jacquemontii'* shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two.

18. The dwelling roof shall be a green sedum roof and shall be retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 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. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required under condition 5 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks / boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The applicant is advised that 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.
8. 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 a detached Residential Care Home 'Loxwood' at 17 Old Shoreham Road, Hove, located on the northern side of Old Shoreham Road. The site includes land to the rear where permission has been granted to provide a new dwelling, currently under construction (ref. BH2019/03758). Works to extend the care home under planning permission BH2021/03206 are also currently under construction.
- 2.2. The present application seeks to amend the vehicular access provided to the dwelling under construction, and because this would be over land to be used as garden space, to move the Care Home boundary 1.5m north to increase rear garden, slightly reducing that provided on the adjacent dwelling site.
- 2.3. There are a number of backland dwellings sited between the rear garden spaces of Old Shoreham Road, Shirley Drive and Shirley Road adjacent and in close proximity to the application site.

3. RELEVANT HISTORY

- 3.1. BH2021/03206- Demolition of two storey west wing, erection of single storey rear extension, revised fenestration and rear external fire escape, erection of summer house to rear, landscaping and associated works. Approved 20.09.2022.
- 3.2. PRE2021/00107- Demolition of two-storey west wing of the existing Care Home, the erection of a single storey rear extension to provide three bedrooms and a new private driveway to serve dwelling to the rear of the Care Home approved under planning application BH2019/03758. Closed.
- 3.3. BH2021/00125- Removal of Conditions 6 and 16 of application BH2019/03758 (Erection of 1no two storey dwelling (C3) over ground & lower ground floors on land to rear of existing care home (C2) relating to (6) accessible and adaptable dwellings and (16) louvres/privacy screening. Approved 17.03.2021.
- 3.4. BH2021/00123- Application for approval of details reserved by conditions 3 (Samples), 10 (Secure cycle parking), 13 (Storage of refuse and recycling) and 14 (Landscaping) of application BH2019/03758. Approved 12.03.2021.
- 3.5. BH2019/03758- Erection of 1no two storey dwelling (C3) over ground & lower ground floors on land to rear of existing care home (C2). Approved 21.09.2020.

Application Description

- 3.6. As noted above, planning permission has already been granted for works to the Care Home, and for the construction of the new dwelling to the rear. This is a significant material consideration in determining this application.

- 3.7. The application largely replicates and consolidates the previous permissions, seeking permission for:
- the erection of a two storey dwelling (planning use class C3) over ground and lower ground floors on land to the rear (north-east) of the existing care home (planning use class C2), provision of new vehicular access for the dwelling to the side of the care home; and
 - the demolition of the two storey west wing of the care home, and the erection of a single storey rear extension, revised fenestration and alterations to an existing rear external fire escape, and the erection of a summer house to rear, along with landscaping and associated works to the care home and access to the dwelling to the rear.
- 3.8. The key differences between the extant permissions and the present application are:
- a proposed new vehicular driveway for the dwelling, to be located immediately west of the Care Home rather than using land on the adjacent plot;
 - the increase in garden space provided to the rear (north) of the Care Home to replace that lost to the west, and an associated reduction in garden land provided for the dwelling;
 - minor amendments to the fenestration of the dwelling and omission of external stair to south elevation..

4. REPRESENTATIONS

- 4.1. Ten (10) letters have been received objecting to the proposed development for the following reasons:
- Poor design and materials
 - Unsuitable and not in keeping with the area
 - Concerned and confused by the works to the rear of the Care Home
 - The dwelling to the rear doesn't have a green roof
 - Concerned by the attitude and intentions of the applicant
 - Overdevelopment
 - Concern regards permission given for the development for a land-locked dwelling
 - Overshadowing and loss of light and outlook
 - Overlooking and loss of privacy
 - Impact on residents of Care Home
 - Development too close to adjoining boundaries
 - Loss of home and garden amenity space of Care Home
 - Abuse from developers and builders
 - Scheme is for financial gain by developers
 - Party wall and boundary fence issues
 - Private driveway and access issues
 - Aspect of neighbouring homes changed for the worse
 - Trees and shrubs destroyed
 - Planning laws, regulations and conditions have not been adhered to and works taken place without planning permission

- Driveway to replace garden of Care Home
 - The access is unsafe and not large enough for emergency services
 - Impact on the well-being of neighbouring residents
 - Traffic, cycle and parking impacts
 - Noise and disturbance from building works
 - No safe access for disabled
 - Little regard for social needs of people
 - Original permission based upon a different driveway
 - Safety concerns regarding the quality of the building works
 - New access creates pollution
 - Concerns over consultation
 - Application contains inaccuracies and discrepancies
 - No space for trees
 - Damage to neighbouring properties during build
 - Impact on environment
- 4.2. Issues relating to the conduct of the developer, their financial gain, the acceptability of the previous permissions, and the safety of building works are not material to the determination of this application.
- 4.3. Councillor Bagaeen objects to the application. A copy of this objection is attached to this report.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No Objection
subject to the inclusion of the following conditions:
- Cycle parking scheme
 - Retention of parking area
 - Disabled parking
- 5.2. **Arboriculture:** No Objection
Although the tree removal to the frontage is regretted, the property is not within a designated conservation area & the Purple Plums would not be considered suitable for preservation status due to their condition and fairly short remaining life span.
- 5.3. Landscaping should be conditioned.
- 5.4. **Southern Water:** Comment
No objection to the proposal subject to suggested comments and a formal application to be submitted for connection to the public sewer.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove 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).

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM5	Supported Accommodation (Specialist and Vulnerable Needs)
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the acceptability of the amendments to the approved development, namely the principle of the relocated driveway and amended garden provision and their impact on the character of the area, on biodiversity, and the highway.

Principle of Development:

- 8.2. As noted above, the principle of the extension of the Care Home and the erection of a new dwelling has already been agreed through the grant of planning permission for each of these developments.

Design and Character:

- 8.3. City Plan Policies CP12 and DM18 expect all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 8.4. The proposed dwelling overall would match the design approved under BH2021/00125. Minor changes to the scheme approved, would include some slight fenestration changes (fenestration remaining in the same positions as approved) and the removal of external steps to the southern elevation. This has not prejudiced the design, standards or amenity impact as approved.
- 8.5. The dwelling is contemporary in style, featuring render and brickwork at ground and lower level and aluminium fenestration and a green roof and is considered acceptable in terms of its character and appearance. A materials sample sheet has been submitted as part of this application and the provision of a green roof would be secured via condition.
- 8.6. The key differences in comparison to the previously approved scheme relate to the relocation of the boundary between the dwelling and the Care Home by 1.5m to the north, reducing the external amenity space for the dwelling; and the relocation of the driveway closer to the west.
- 8.7. Whilst the overall plot for the dwelling (including its amenity space) has been slightly reduced in size, two garden areas would be provided, namely a 65m² area off more than 15m depth to the front of the dwelling, along with a 63m² space to the side. The reduction is considered minimal in the context of the site, and the remaining plot would be appropriate for a dwelling of this size, and the predominant pattern of development in the wider area.
- 8.8. The new driveway created would have appropriate boundary treatments (a rendered wall with panelling and a mixture of planting and trees), separating the access from the care home garden, and the residential plot from the care home. It is considered to be acceptable in respect of its design and appearance.

- 8.9. The amended residential development is therefore considered acceptable in terms of its design and proposed plot and the relocation of the southern boundary / new driveway would not compromise the design quality of the approved dwelling or the character and appearance of the surrounding area.
- 8.10. No changes are proposed to the design of the extensions to the Care Home. The provision of the driveway immediately alongside the dwelling is considered acceptable in terms of its impact on the character of the area as this is not an uncommon feature, and would replace that approved immediately adjacent to the west.
- 8.11. On this basis the scheme is considered acceptable in terms of its impact on the character and appearance of the area.

Standard of Accommodation:

- 8.12. Policies DM1 and DM20 of City Plan Part Two aims to secure a good standard of living accommodation for current and future occupiers in all new developments. The dwelling would meet the standards set out in the Nationally Described Space Standards, as set out in its approval.
- 8.13. Policy DM1 of the City Plan Part Two also requires the provision of private amenity space in new development. As noted above, the proposed garden amenity space to the front and side of the dwelling is considered sufficient for the a three-bed dwelling, with private rear and side garden areas to be retained.
- 8.14. The standard of accommodation to be provided for Care Home residents is also considered to be acceptable with the proposed amendments, with a slightly larger garden to be provided to the rear (north), but a smaller area to the side (west). This is considered acceptable, and as noted above, would be separated from the driveway by a rendered wall.
- 8.15. On this basis the scheme is considered acceptable in terms of the standard of accommodation provided.

Impact on Neighbouring Amenity:

- 8.16. Policy DM20 of City Plan Part Two states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 8.17. The impact of the proposed dwelling and works to the Care Home on neighbouring amenity has been considered under previously approved permissions and no significant harm was identified in respect of any loss of light, outlook, or privacy or any overbearing impact.
- 8.18. The applicant has confirmed that the existing boundary treatment to the east (brick wall) has been retained and the existing close boarded fence to the north has been replaced with a fence. The upper section of the western boundary wall has been retained, with the lower section (removed during the demolition of the

west wing) replaced with a rendered wall. The boundary between the access and the Care Home Garden is proposed as a rendered wall with panelling. The proposed boundary treatments between the adjoining garden spaces are intended to be a mixture of planting and trees, including the garden space of the Care Home.

- 8.19. Whilst submitted plans do detail boundary treatment/landscaping, given that the works are part retrospective a condition has been attached requiring full details of the boundary treatment which will ensure that the development would not be visibly intrusive within its surroundings and to safeguard the privacy of adjoining properties.
- 8.20. In respect of the new access to the dwelling, this would be via the creation of a new driveway adjacent to the Care Home (facilitated via the demolition of the west wing of the Care Home) to provide access to the dwelling to the rear. The driveway would be directly adjacent to the Care Home, however, it is unlikely that the number and frequency of occupants using the access way/use of the access would be so intensive as to result in disturbance. It is also noted that the rooms directly adjacent the driveway serve a kitchen and utility room and there is sufficient boundary treatment between the access and Care Home garden area to safeguard amenity. It is acknowledged that currently this access is not used for vehicle access and there would be a degree of noise disturbance, however it is considered that the expected number and frequency of future occupants using the access way would be unlikely to be so intensive as to result in significant harm and noted that it is also adjacent an existing access way to the west which is used by pedestrians/cars of adjoining.
- 8.21. Overall, it is considered that the development would not result in any significant harm to neighbouring amenity, in compliance with policy DM20.

Ecology and Biodiversity:

- 8.22. Policy DM37 of the City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 8.23. The applicant has submitted a Biodiversity checklist which shows that the existing site does not show signs of any protected species being located on site. Overall, the proposal will not have any negative impacts on existing biodiversity on site.
- 8.24. A condition requiring bee brick and swift brick/boxes has been attached to improve ecology outcomes on the site. A green roof is proposed which would have environmental benefits and the provision of landscaping on site would ensure biodiversity net gain delivered.

Landscape and Trees:

- 8.25. The site has been cleared of vegetation, but this loss can be mitigated by appropriate planting/landscaping schemes.

- 8.26. The removal of five trees to the rear of the site was agreed through the grant of the previous permission, and whilst their loss is regrettable the proposal includes the planting of a number of trees which is welcomed.
- 8.27. As part of the current application two trees have been felled at the front of the site to provide better access, with four trees retained. The Arboriculture Officer has advised that these trees are not covered by a Tree Preservation Order (TPO) and although the tree removal to the frontage is regrettable, the property is not within a designated conservation area & the Purple Plums would not be considered suitable for preservation status due to their condition and fairly short remaining life span.
- 8.28. Subject to conditions, including a stringent landscaping condition to improve visual amenity and the biodiversity of the site, it is considered the proposal would comply with policy DM22.

Sustainable Transport:

- 8.29. The only change to the previously-agreed development in highway terms would be the altered access. This is considered to be acceptable, with both the Care Home and new dwelling utilising the existing vehicle entrance and dropped kerb off Old Shoreham Road. The application is not proposing changes to the existing access vehicle arrangement onto the adopted (public) highway and therefore there is no objection regarding highways safety.

Other Matters:

- 8.30. Issues have been raised through consultation regarding access rights, party wall disputes and the consultation process. Access rights and boundary wall disputes are a civil matter between two parties and the LPA consider that the approved planning applications were determined under correct procedures and all neighbour consultation addresses for all the recent planning history on the site are all correct and neighbours were consulted.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. 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 would be confirmed in the CIL liability notice if the application were recommended for approval.

10. EQUALITIES

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. As already noted, building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) could not be complied with in this scheme due to the lack of level access.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Samer Bagaeen

BH2023/01254 - 17 Old Shoreham Road

13th July 2023:

I met mid-week with the team at DK Architects and with the owners of Loxwood House.

The meeting was very helpful in getting a broader context of the issues and more of the history.

It was particularly interesting that arboriculture had allowed the removal of mature trees on the site (so they said).

At the end of the meeting with David Kemp, Khalid Chaudry, and Rafael who is managing the build on site, we agreed that it is best to call the current applications to committee so that all of the issues are openly discussed and ironed out once and for all.

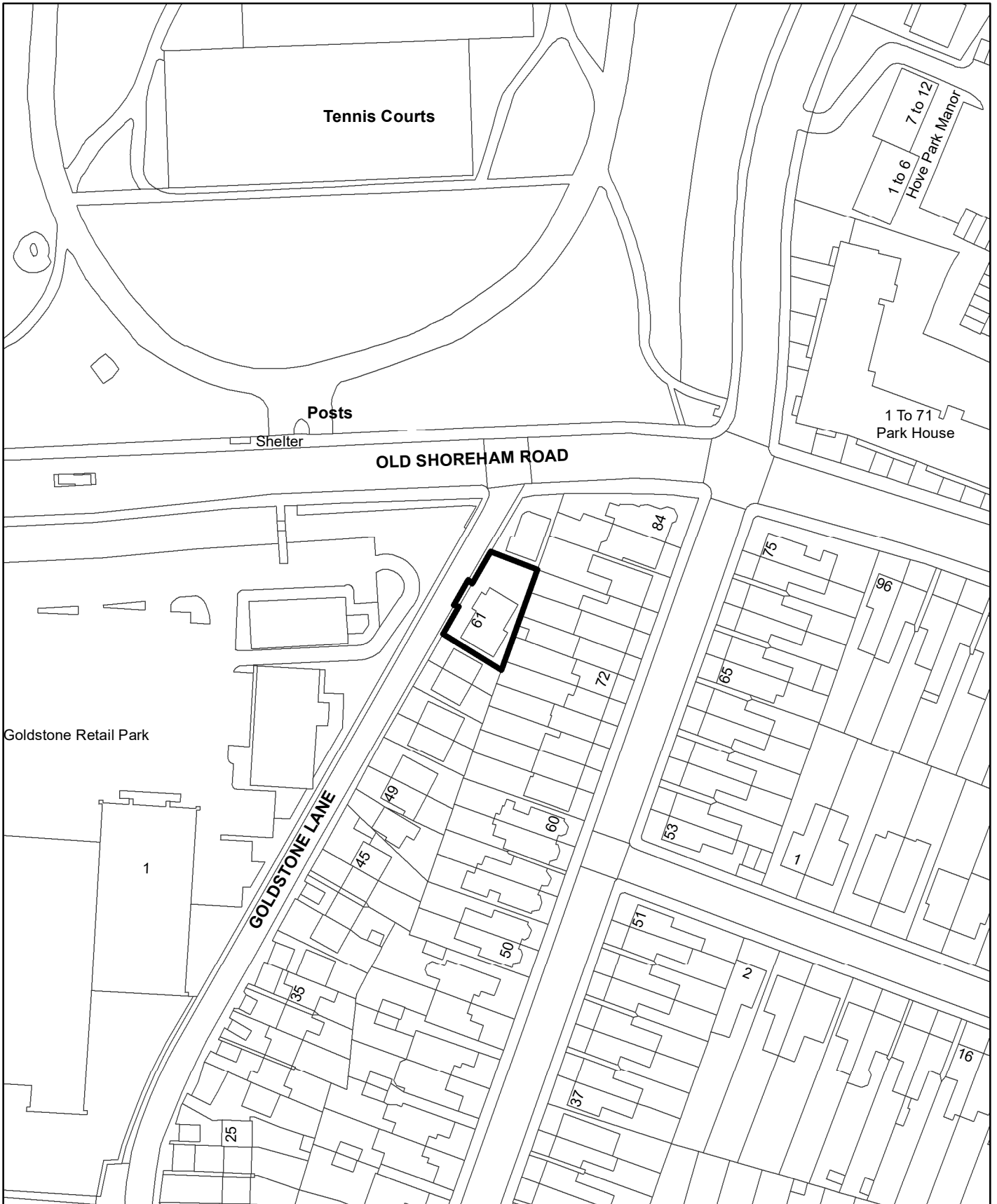
I am happy to call this to committee on the basis of the loss of green space and biodiversity on site. I did not see a clear landscaping plan in spite of asking David, Khalid and Rafael for one.

ITEM D

**61 Goldstone Lane
BH2023/02290
Full Planning**

DATE OF COMMITTEE: 6th December 2023

BH2023 02290 - 61 Goldstone Lane



N



Scale: 1:1,250

<u>No:</u>	BH2023/02290	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61 Goldstone Lane Hove BN3 7BB		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 2no three storey detached dwellinghouses (C3), with centralised vehicular crossover and associated car parking, landscaping, bin and cycle storage.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	31.08.2023
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	26.10.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Galega Ltd C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01	A	31 August 2023
Block Plan	04	-	15 August 2023
Proposed Drawing	05	A	24 October 2023
Proposed Drawing	06	A	24 October 2023
Proposed Drawing	07	-	15 August 2023
Proposed Drawing	08	B	21 October 2023
Proposed Drawing	09	B	24 October 2023
Proposed Drawing	10	-	15 August 2023
Proposed Drawing	11	-	15 August 2023
Proposed Drawing	12	-	15 August 2023
Proposed Drawing	13	A	17 October 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.
4. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.
5. 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). 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.
Each dwelling shall be retained in compliance with the requirement thereafter.
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 the Brighton & Hove City Plan Part Two.
6. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.
7. Prior to the occupation of the development hereby permitted, and notwithstanding the approved drawings, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

- protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of measures that have been taken to ensure the building is accessible for persons of all abilities; and
- e) details of surfacing and drainage measures to ensure surface water run-off is managed within the site.

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. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner and thereafter maintained.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

8. Prior to the first occupation of the development hereby permitted, the 2no bee bricks (shown on drawing no.08 B) and 4no swift bricks (shown on drawing no.09 B) shall be installed.

The 2no bee bricks and 4no swift bricks shall thereafter be retained in place.

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.

9. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - a) The phases of the Proposed Development including the forecasted completion dates;
 - b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - d) Details of hours of construction including all associated vehicular movements;
 - e) Details of the construction compound;
 - f) A plan showing construction traffic routes;
 - g) A scheme of how contractors will follow best practice guidance with regards to environmental contamination;
 - h) Details of how hazardous substances will be stored on/within the site; and

i) Details of how vehicles/plant machinery will be refuelled on/within the site; The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, ground water, highway safety and managing waste throughout development works and to comply with policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35, DM40, DM42 and DM43 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.

10. 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 the Brighton & Hove City Plan Part Two.
11. The residential development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.
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.
12. The residential development hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.
13. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.
14. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies CP13 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove City Plan Part Two.

15. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use.

The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

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 Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
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: www.hse.gov.uk/asbestos
4. 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>
5. 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.
6. 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.
7. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

8. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
9. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
10. 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, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
11. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
12. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
13. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

2. SITE LOCATION

- 2.1. The application site is a plot of land on the eastern side of Goldstone Lane currently occupied by a detached bungalow. The bungalow shares the streetscene with three pairs of three-storey semidetached dwellings to the south,

while to the north (on the corner of Old Shoreham Road) there is a single mixed use dwelling/health centre, featuring a contemporary flat roof design.

- 2.2. The site is west of the Goldstone Retail Park and just south of Old Shoreham Road and the locally listed Hove Park, within Controlled Parking Zone (CPZ) T and a ground water source protection zone.
- 2.3. The site backs onto residential properties fronting Fonthill Road, that sit on higher ground. The retaining wall at the rear of the application site is approximately 3.0m tall.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00084** Pre-application advice was given in June 2023 for a scheme to demolish the existing bungalow and erect a total of five dwellings on the land: one four-bedroom house, one two-bedroom maisonette and three one-bedrooms flats.
- 3.2. A summary of the advice given was that the principle of demolition of the bungalow and erection of a building up to three storeys in height is considered to be acceptable; however, it was not considered that the plot of land could comfortably accommodate more than two dwellings.
- 3.3. **BH2022/03677** Demolition of existing dwellinghouse (C3) and erection of 3no. three-storey terraced dwellinghouses (C3), each with parking space and vehicle crossover. Associated landscaping, bin and cycle storage. Refused for one reason:
 - “1. *The proposed development is considered to be an overdevelopment of the plot, evidenced by the high proportion of plot coverage, protrusion forwards of the established building line and the cramped nature of the proposed accommodation. The dwellings fail to meet the Nationally Described Space Standards and would fail to provide acceptable sunlight, daylight and outlook for future occupiers. The proposed outdoor amenity space would not be appropriate in quality or size, with Plots 1 and 2 in particular suffering from excessive enclosure by the retaining wall at the rear of the site. As a result of the site layout, the proposed dwellings would therefore fail to achieve a high standard of design and would fail to provide an acceptable standard of accommodation, contrary to Policy CP12 of the City Plan Part One and Policies DM1, DM18 and DM20 of the Brighton and Hove City Plan Part Two.*”
- 3.4. **BH2007/03314** Demolition of existing dwelling and erection of 3 houses with car parking spaces (resubmission of application BH2007/02298). Refused for two reasons:
 - “1. *Notwithstanding inaccuracies on the submitted plans, the proposed development, by reason of its design, size, bulk, scale, footprint and elevated position, would fail to respect the context of its setting and would be out of keeping within surrounding development, representing an incongruous feature that is detrimental to the surrounding area.*”

Furthermore, the proposed development is considered to be a cramped form of development representing an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton and Hove Local Plan.

- 2. The proposed development would by reason of its height, footprint and site coverage lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan."*

3.5. BH2007/02298 Demolition of existing dwelling and erection of four 3 storey houses with integral garages. Refused for five reasons:

- "1. The proposed development, by reason of its design, size, bulk, scale, footprint and elevated position, would fail to respect the context of its setting and would be out of keeping within surrounding development, representing an incongruous feature that is detrimental to the surrounding area. Furthermore, the proposed development is considered to be a cramped form of development representing an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton and Hove Local Plan.*
- 2. The proposed development would by reason of its height, footprint and site coverage lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.*
- 3. The proposed development would by reason of height, scale, layout, and fenestration detail lead to increased overlooking and consequential loss of privacy to the occupiers of existing adjoining properties to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.*
- 4. Policy HO13 of the Brighton and Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. Insufficient information has been submitted with the application to demonstrate how the requirements of policy HO13 have been met throughout the proposed development.*
- 5. Policy SU13 of the Brighton and Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Minimisation Statement with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. The Waste Minimisation Statement accompanying the application is not considered sufficiently detailed and fails to demonstrate how the elements of sustainable waste management have been incorporated into the scheme, in compliance with policy SU13 and SPD03."*

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing bungalow and the erection of two three-storey, four bedroom detached dwellings. The top floors would sit within crown roofs and include front-facing terraces. Each dwelling would benefit from one off-street vehicle parking space, and the site would be enhanced with hard and soft landscaping.
- 4.2. The scheme has been amended slightly during its lifetime in response to concerns raised by the Local Planning Authority's Urban Design Officer.

5. REPRESENTATIONS

- 5.1. Six (6) representations have been received, objecting to the proposal on the following grounds:
- Too close to the rear boundary.
 - Loss of privacy, and overshadowing to gardens to the rear.
 - Loss of a view.
 - Proposed fencing might fall down in strong winds.
 - Dwellinghouses would be very dark.
 - Loss of privacy for one another.
 - Loss of on-street parking on Goldstone Lane.
 - Traffic restrictions due to proximity with Old Shoreham Road.
 - Disruption during the delivery and construction phases.
 - Additional traffic.
 - Overdevelopment of the area.
 - No need for more housing.
 - The net gain of a single dwelling will only benefit the developer.
 - Detrimental impact on property value
 - Inadequate consultation with local residents
- 5.2. Two (2) representations have been received, supporting the proposal on the following grounds:
- The design is in keeping with the local streetscene.
 - The existing bungalow is outdated.
 - The development would have an acceptable impact on neighbouring amenity.

6. CONSULTATIONS

- 6.1. Brighton and Hove Archaeological Society (**Comment**)
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. However recent excavations along the Sackville Road development have revealed an Iron Age enclosure. It is possible that prehistoric remain may be located a little to the east of this site.

- 6.2. **Southern Water No Objection, subject to conditions**
- Foundation to be designed as shallow as practicably possible. Piling is prohibited.
 - Any hazardous substances required on site to be stored in a bunded and impermeable area to ensure no accidental spills to ground.
 - Contractor to use spill trays when re-fuelling plant and/or vehicles at all times.
 - Contractor to follow best practice guidance with regards to environmental contamination.
- 6.3. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.4. **Transport No Objection, subject to conditions**
Supplementary Planning Document 14: Parking Standards sets a maximum of one car parking space per 3-4+ bedroom dwelling. The applicant is proposing two car parking spaces on site; this is acceptable.
- 6.5. However, the applicant is proposing an extensive area of hardstanding which potentially could raise a risk of flooding. The details submitted are not enough to understand how the outfall disposal will be managed. Surface water drainage details should be submitted (with ground levels and slopes). Alternatively, to reduce the risk of flooding the hard surface shall be made of porous materials.
- 6.6. The applicant will also be required to apply for a permission and license for the access/crossover from the Brighton & Hove City Council crossover team. This is a separate process and therefore permission is not guaranteed and any costs relating to the amendments will be at the expense of the applicant.
- 6.7. SPD14: Parking Standards requires a minimum of two cycle parking spaces per unit. The applicant is proposing four cycle parking spaces on site (two per dwelling) in secured cycle stores; this is acceptable.
- 6.8. The proposed changes are unlikely to increase the number of trips to the location and generate significant reason to objection. The most recent data on permit uptake in CPZ T shows uptake at 61.1%.
- 6.9. **Urban Design**
The rear windows have been improved in terms of alignment (over the initial submission), and the inclusion of solar panels is welcomed.
- 6.10. The yellow brickwork is an outstanding concern, as it does not appear to relate well to the character of the wider streetscene; further details of this material should be submitted for assessment, at condition stage.
- 6.11. The patterned sections of brickworks do add some visual interest, but the quality of this will require further assessment, at condition stage.

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
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP19	Housing Mix

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM43	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; on highway safety; and on the significance of heritage assets in the vicinity. A site visit was undertaken during the course of the pre-application advice request in June 2023.

Principle of Development

Creation of Housing

- 9.2. Policy CP1 in the 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 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply.
- 9.5. It has been asserted in the representations received that there is no local need for housing given the major housing developments taking place (or that have been completed and occupied) around the site. This view is not shared by the Local Planning Authority (LPA). The city as a whole faces a significant housing shortage and the creation of two family-suitable dwellinghouses is given significant weight as a material planning consideration.

Plot Density

- 9.6. A survey of plot and building sizes of the closest properties on Goldstone Lane and Fonthill Road (twenty-one plots including the application site) has been undertaken. This demonstrates that the average plot size is 183m² and that on

average, each property occupies 37% of the plot. The application site is significantly above average in terms of plot size (approximately 327m²) and is therefore suitable for subdivision into two suitably sized plots (158m² and 168m²). The proposed dwellings would occupy 41.5% and 39.6% of their respective plots, which is just 4.5% above the average. This being the case, it is considered that the proposed density of development would not be overdevelopment but would be in keeping with the character of the local area and that the site is able to accommodate two dwellings.

Design and Appearance

- 9.7. The proposed development is considered to be acceptable in terms of appearance. With regard to scale and massing, both dwellings would sit comfortably between the adjacent properties at nos.59 and 67 Goldstone Lane. The maximum height is comparable with that of the existing bungalow, and the rhythm of the streetscene would be enhanced as a result of the development as the existing bungalow is something of an anomaly on what is an uncharacteristically wide plot. The increased intensity of development would result in an improved visual connection between the dwellings either side of the application site.
- 9.8. It is acknowledged that that the pair of dwellings would protrude forward of the established building line on Goldstone Lane but the protruding elements would be single storey in height so akin to porches, with the main body of each house sitting within the established building line. The relationship with the streetscene would be similar to that of the existing bungalow, as neither features an open frontage due to the proximity to the public highway.
- 9.9. In terms of external materials, the dwellings would primarily be finished in buff yellow brick. The LPA's Urban Design Officer has raised concern about the potential appearance of the development if an unsuitable brick type is specified. It is considered that buff brick could be acceptable in principle (there is one other example of buff brick just south of the site) but further details will be required by condition. The large facades of blank brickwork have been enlivened with raised (burglar) brick bonding in a contrasting dark brown colour. Other materials include dark grey slate tiles and light grey aluminium window frames, which are considered to be acceptable in principle.
- 9.10. The proposed vehicle access would be comparable in appearance to other examples along Goldstone Lane; there are no concerns in this regard.

Impact on Amenities

- 9.11. The potential impacts of the development on the amenities of local residents have been raised as a concern in the representations received, including overshadowing/loss of sunlight, and loss of privacy. These issues shall be addressed in turn.
- 9.12. In terms of the loss of light from the shadows cast by the dwellings, it should be reiterated that the proposed development does not have a greater maximum height than the existing bungalow. However, it is acknowledged that the development increases the built form at the northern end of the site and so would

result in some loss of light to the adjacent property, no.67 Goldstone Lane. However, given the lack of windows and outside amenity space for this property on its south side, it is not anticipated that any significant harm would be caused in this regard.

- 9.13. The development would also cause some shadowing across the rear gardens of properties fronting Fonthill Road. Due to the orientation of the buildings, any loss of light would be restricted to the late afternoon/early evening light and would primarily impact on the west ends of the gardens. Given the differences in land level between properties on Goldstone Lane and Fonthill Road, it is not considered that this overshadowing would be significantly detrimental to the amenities of local residents.
- 9.14. It should also be noted that the previous application on this site (BH2022/03677) was for a larger development that would have an increased impact on the amenities of local residents than the current proposal and was found to be acceptable in this regard.
- 9.15. With regard to the privacy of local residents, the development is considered unlikely to have a significant impact. Front-facing windows (and the terraces at rooftop level) would provide views only across the public highway and the retail park. The dwellings do not include any side-facing windows. The rear-facing windows are limited to the ground and first floor levels and would be no higher than the existing 4.95m high retaining wall on the eastern boundary and therefore no harmful views into the rear gardens of Fonthill Road properties would be created. Views from the first floor windows to the Fonthill Road dwellings themselves may be possible, given the rise in topography, but given the separation distance it is not considered that this would cause any significant harm to privacy. The properties would have a similar relationship to the properties immediately south along Goldstone Lane and Fonthill Road.
- 9.16. It is considered necessary for permission to be granted only subject to a condition removing permitted development rights that might allow for new window openings to be created in the future. It is considered that rooftop-level openings facing east, and north side elevation windows on the northern property could cause harm to the amenities of local residents by reducing their privacy.
- 9.17. The potential impact caused by the building work itself is not reasonable grounds to refuse planning permission. Although some level of disruption is likely, this would be in the short-term only and is not reason to withhold planning permission. Impacts from dust and noise can be mitigated through a Construction Environment Management Plan (CEMP), to be secured by condition, which will also manage the impacts on the smooth running of the public highway and the risk of land contamination. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any complaints of nuisance be received.

Standard of Accommodation

- 9.18. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish

acceptable minimum floor space for new build developments. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.

- 9.19. Both new residential units would provide a gross internal area (GIA) of approximately 135m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.20. Both dwellings are laid out as four bedroom, seven bed space units over three floors. The NDSS requires such a unit to have a GIA of at least 121m², which the development comfortably exceeds. The habitable rooms are all well laid out and have acceptable outlook.
- 9.21. Concerns have been raised that the dwellings would not receive acceptable natural light. It is acknowledged that the ground floor levels are not anticipated to receive high levels of direct sunlight due to the topography of the site (including 4.95m high rear retaining boundary walls) and the presence of the flank of no.57 Goldstone Lane directly to the south. However, the lounges are dual aspect and the level of light received is considered to be acceptable. Rooms on the first and second floors are considered to receive better levels of light than the ground floor level.
- 9.22. Concerns have also been raised that occupants of the two dwellings would suffer from a lack of privacy from one another. The landscaping condition will include the requirement to submit details of boundary treatments, which will ensure that the private amenity space for each dwelling is suitably separate, which is considered sufficient to overcome potential conflicts in this regard.
- 9.23. Both dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of accessibility. A further condition shall be included requiring compliance with the approved floor plans; the LPA would wish to manage the layouts of these buildings to ensure that neither building becomes over-occupied to the detriment of the standard of accommodation.

Impact on the Public Highway

- 9.24. The proposed development represents a net gain of a single dwelling, and it is considered that the additional impact on the highway from the increased trips to and from the site would not be significant; this view is shared by the Local Highway Authority (LHA).
- 9.25. The creation of a vehicle crossover would result in the loss of on-street parking spaces; the LHA has not objected to the scheme in this regard. The most recent figure for residential permit update in CPZ T is 61.1%, indicating that the any displaced vehicles that would otherwise park on this section of the carriageway could be absorbed elsewhere within the CPZ.

- 9.26. The proposed development includes one vehicle parking space and two cycle parking spaces per dwelling; this is in accordance with SPD14: Parking Standards. A condition shall be included with any permission granted requiring the installation of the cycle parking in the interest of encouraging travel by sustainable means.
- 9.27. The height of the front boundary wall (approximately 0.9m) may cause highway safety concerns. Whilst the width of the crossover may mitigate some of the potential risk, it is considered necessary for further details of the wall to be secured as part of a landscaping condition to ensure safety. A condition shall also be included with any permission granted requiring the construction of the crossover prior to first occupation of the dwelling, in the interest of highway safety.

Other Matters

- 9.28. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. Suitably worded conditions would secure an appropriate number of bee bricks and swift bricks within the proposal, along with a landscaping scheme to ensure that suitable soft landscaping is provided across the site that can contribute to the biodiversity of the area.
- 9.29. Drainage details would be required within this condition to ensure that surface water runoff is contained within the site, given its elevated position above Goldstone Lane, and location within a groundwater source protection zone.
- 9.30. Conditions are also proposed to ensure an Energy Performance Certificate (EPC) rating 'B', as required by Policy DM44, and a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. Solar panel arrays and air source heat pumps on both dwellings will reduce the carbon emissions of the development; this is welcomed. The provision of electric vehicle charging points on both dwellings will also be required under Building Regulations.
- 9.31. The proposed development is approximately thirty metres south of the boundary of the locally listed Hove Park. As a residential development separated from the park by Old Shoreham Road, it is considered that the development would have a neutral impact on the historic significance of this non-designated heritage asset.
- 9.32. Concerns have been raised that the proposed development would have a detrimental impact on property value; the rear boundary fence might blow down in inclement weather; that the development is just for the benefit of the developer; and that the development would result in the loss of a view, but these are not material planning considerations.
- 9.33. It has been suggested that inadequate public consultation has taken place as part of the planning application process. The LPA has advertised the scheme in compliance with its scheme of community involvement: letters have been posted

to properties that share a boundary with the application site, and the application has been advertised on the Council's website.

Conclusion

- 9.34. The proposed development would replace a single dwelling with two family-suitable properties, which can be given significant weight as a material planning consideration given the Council's lack of a five year housing land supply. The dwellings are considered to be of good quality and the development is anticipated to have an acceptable impact on the amenities of local residents and highway safety. Planning conditions shall be included in the interest of residential and visual amenity, accessibility, biodiversity, environmental impacts, sustainability, and highway safety.

10. EQUALITIES

- 10.1. Both dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of equal accessibility.

11. COMMUNITY INFRASTRUCTURE LEVY

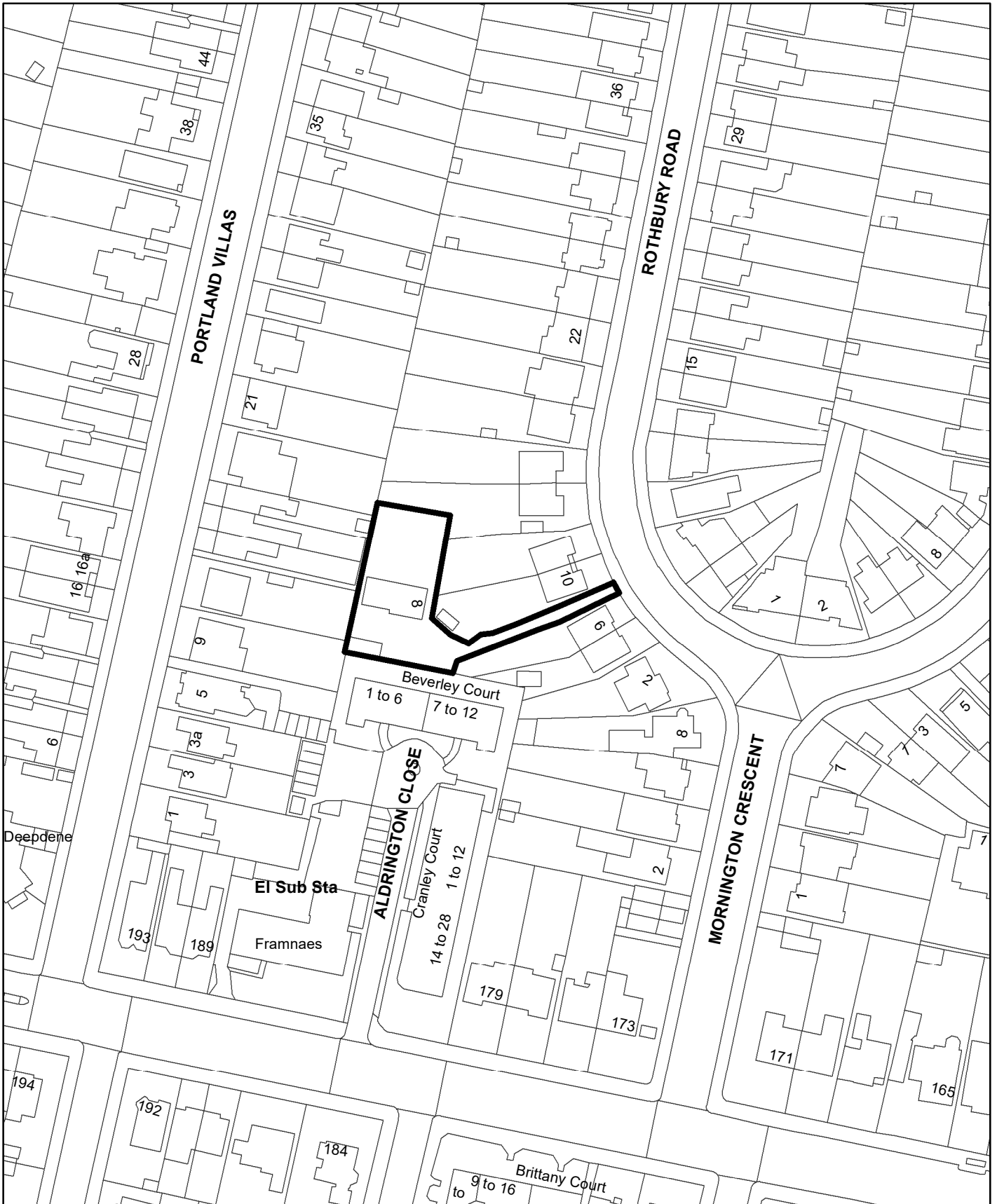
- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount will be confirmed in the CIL liability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

ITEM E

**8 Rothbury Road
BH2023/02446
Householder Planning Consent**

DATE OF COMMITTEE: 6th December 2023

BH2023 02446 - 8 Rothbury Road



Scale: 1:1,250

<u>No:</u>	BH2023/02446	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Rothbury Road Hove BN3 5LH		
<u>Proposal:</u>	Raising of roof by 2m to enable construction of first floor with dormer windows and rooflights. Erection of single storey rear extension and front porch.		
<u>Officer:</u>	Charlotte Tovey, tel: 202138	<u>Valid Date:</u>	05.09.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	31.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Claire Haigh Associates Ltd 9 Kenton Road Hove BN3 4PG		
<u>Applicant:</u>	Mr and Mrs Paul and Helen Taylor 8 Rothbury Road Hove BN3 5LH		

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:

s

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	CH1194/001	A	2 November 2023
Proposed Drawing	CH1194/005	A	30 October 2023
Proposed Drawing	CH1194/006	A	30 October 2023
Proposed Drawing	CH1194/007	B	2 November 2023
Proposed Drawing	CH1194/008	B	2 November 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. 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.

4. Any necessary excavation works are to be hand-dug only and any concrete used in foundation works shall be poured within a protective sleeve to prevent leaching into the ground.

Reason: To avoid any irreversible damage to retained trees on adjacent land during the construction of works, in accordance with SPD 06, and policy DM22 of Brighton & Hove City Plan Part 2.

5. 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.

6. The development hereby permitted shall incorporate at least three swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy 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 and preferably adjacent to pollinator friendly plants.
3. 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.
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September

so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act

5. 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 site comprises a detached bungalow accessed via a private road between no. 6 and no. 10 Rothbury Road. The bungalow was constructed on a sizeable plot of land at the rear of these sites in the 1960s, and abuts the long rear gardens of large dwellings on Portland Villas to the west, Rothbury Road to the east and north, as well as Beverley Court, a three storey block of flats, to the south.
- 2.2. The front (south) of the site is hard surfaced, with a detached garage in the south western corner and a lawn/garden to the rear (north). The existing bungalow is constructed with a brick base and painted render, with a pitched roof of concrete tiles and white uPVC windows. A boundary wall and fencing run around the perimeter of the site.
- 2.3. The site is not within a conservation area nor is it readily visible from the public realm.

3. RELEVANT HISTORY

- 3.1. **M/6770/59** Planning permission granted for the erection of a detached 2 bed bungalow and 2 garages 20.11.1959
- 3.2. No evidence has been found that suggests that restrictive planning conditions were applied at the time of construction.

4. RELEVANT HISTORY AT OTHER SITES

None found.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the raising of the roof by 2m to enable the construction of a new first floor with two dormer windows to each of the front and rear in a chalet bungalow style as well as rooflights. The roof is proposed as grey tiled with grey aluminium windows and doors. The application also includes the erection of a single storey rear extension on the eastern side and a front porch.
- 5.2. The description has been amended following receipt of updated plans reducing the height of the ridge extension by 0.5m, increasing the separation of the two dormers on the western side of the roof so that they are further away from the gardens on Portland Villas, and removing alterations to the existing garage. Neighbours were not reconsulted as the amendments are less impactful than the original.

6. REPRESENTATIONS

- 6.1. Six (6) representations have been received, from three (3) households objecting to the proposal on the following grounds:
 - Overlooking
 - Loss of privacy
 - Detrimental impact on the access road
 - Detrimental impact on third party trees
 - Detrimental impact on local wildlife
 - Poor design
 - Noise disturbance
 - Overdevelopment
 - Inappropriate height
 - Too close to the boundary
 - Plans are not accurate and do not include the outbuilding currently under construction

7. CONSULTATIONS

Arboriculture

Verbal consultation received 08.11.2023

- 7.1. From reviewing the submitted Arboricultural Impact Assessment no concerns relating to impact on neighbouring trees that would warrant refusal. The assessment demonstrates that the development would not be within the root protection zone. However I would recommend that any development taking place close to the root protection area near the Birch Tree is hand dug.

Transport

- 7.2. Whilst the plans no longer seek to alter the garage, verbal consultation with our Transport team raised no objection to the development.

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 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 (JAAP) 2019.

9. RELEVANT POLICIES

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

Brighton and 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
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact on neighbouring amenity and the impact on third party trees.
- 10.2. A site visit has been undertaken in this instance. The impacts of the proposal can be clearly assessed from the plans, site visit and from recently taken aerial/streetview imagery of the site and its surroundings.

Design and Appearance

- 10.3. Planning permission is sought to alter the building from a bungalow to a two storey chalet bungalow style dwellinghouse.
- 10.4. The overall height of the proposed building would be approximately 6.4m, an increase of 2m over the existing, with an eaves height of 4.4m. The increase in ridge height is not considered to result in a detrimentally tall or wide building or one that would be an inappropriate height when viewed within the context of its surrounding neighbours.
- 10.5. The building would maintain an adequate separation distance of 1.3m from the rear boundary of its closest neighbour on Portland Villas to the west, unchanged from the existing.
- 10.6. The number and scale of the dormers windows and rooflights is considered to be appropriate for the size of the host building as is their position within the roof slope with their siting meaning that the roof features would not appear visually cluttered. The pitched roof design of the dormer windows would relate well to the design of the front porch extension and pitch of the rear extension's roof. The scale and position of the new fenestration on the host building and extension are considered to be appropriate for the elevations that they are placed within on the ground floor.
- 10.7. The porch extension would be suitably scaled at 2m deep and 3.4m in height, with an eaves height of 2.3m. It would be constructed in render and with matching materials to the redesign of the building. Its design is considered to result in a subordinate and appropriate addition.
- 10.8. The single storey rear extension would be situated to the east side of the rear elevation extending 6.5m into the rear garden to the north. It would be constructed in render and fitted with a pitched roof 3.9m in height that would sit below the eaves of the principal roof. Its design includes new rooflights and fitment of a flue pipe and new fenestration. The position of the new rooflights and glazing are considered to be appropriate for the elevations that they are placed within. The height of the flue would not extend detrimentally above the height of the extension and sits below the eaves of the new roof. The scale and design of the rear extension is considered to be a subordinate addition to the host building that would not detrimentally alter its appearance.
- 10.9. A site visit was conducted to assess the design of the building as concerns were raised from residents that the development would be of poor design and an inappropriate height. However, this demonstrated that the building is for the most part concealed from view from the public realm. Some oblique views are available between no. 13 and 11B Portland Villas but the site is not a prominent feature, and would not be once extended.
- 10.10. Concerns also noted that the plan did not clearly reflect an outbuilding which is currently under construction in the north east corner of the site.

- 10.11. Searches have demonstrated that permitted development rights have not been removed and an outbuilding could be constructed under Class E up to 2.5m in height if situated within 2 metres of the boundary. Information received from the applicant has demonstrated that this appears to be constructed in accordance with the permitted development criteria. The location and block plan have been updated to show the scale of the outbuilding which demonstrates that the plot would retain an adequate external amenity area. The site is therefore not considered to be appear overdeveloped.
- 10.12. There is no objection to the proposed materials by way of the introduction of cedar cladding or grey fenestration, particularly as the dwelling is to the rear so does not form part of the streetscene.
- 10.13. Overall, the proposed alterations would achieve an extended dwellinghouse of good quality design, that is sympathetic to the surrounding buildings and enhances the character of the wider area, in accordance with Brighton & Hove City Plan Part Two policies DM18 and DM21 and City Plan Part One policy CP11 and CP12.

Impact on neighbouring amenity

- 10.14. Policy DM20 of City Plan Part 2 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, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.15. A site visit was conducted to assess the impact of the proposal on neighbours as concerns were raised that it would result in overlooking, a loss of privacy and detrimental levels of noise from the hobby room created in the extended garage positioned close to the boundary.
- 10.16. Taking into account the legitimate concerns raised, amendments were sought to the proposal that reduced the number of dormers to the front and rear roof slopes and re-positioned the western dormers further away from the gardens on Portland Villas. The plans no longer include any amendments to the garage.
- 10.17. Due to the orientation of the site, and the increased height of the ridge, the development would likely result in some loss of morning light to the end sections of the gardens of numbers 11A, 11B and 13 Portland Villas which is considered a minor impact. It is also likely that there would be a small loss of light to the end of the neighbours' gardens at numbers 10 and 12 Rothbury Road at the end of the day which is again considered a minor impact, and the scheme is acceptable in this regard.
- 10.18. Initial concerns were raised regarding the increased enclosure of 11B and 13 Portland Villas given the close proximity of the bungalow to the rear boundary fence. However, this impact is mitigated by the distance of some 20m from the rear facades, and the fact that the building extends across only a relatively small part of each boundary. These factors and the height of the ridge having been reduced by 0.5m, sloping down to the eaves, would mitigate the impact so the scheme is not considered to result in any unacceptable degree of enclosure.

- 10.19. Concerns have been raised that the fenestration proposed to the building will result in increased overlooking and a loss of privacy. The site visit demonstrated that the perimeter fencing of the site would prevent any views from the new ground floor fenestration to its neighbours.
- 10.20. The position and scale of the new dormer windows are adequately set in from the western boundary by 3m so that they will not be positioned close to the side elevation to directly overlook the neighbours' gardens on Portland Villas or Rothbury Road and instead would provide oblique views. The tall hedge on the southern boundary will prevent any detrimental views to the occupiers of the flats to the south.
- 10.21. For the reasons above the development is not considered to result in overlooking or loss of privacy which is sufficiently harmful to warrant refusal of the application.
- 10.22. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 10.23. Overall the proposal would not result in any significant harm to neighbouring amenity in accordance with Brighton & Hove City Plan Part Two policy DM20 and SPD12 guidance.

Impact on Trees and Biodiversity

- 10.24. Concerns were raised that the development would have a detrimental impact on neighbouring trees and local wildlife.
- 10.25. An Arboriculture Assessment has been undertaken to consider the effects of the development on neighbouring trees that are in close proximity to the boundary of the site. The assessment has considered two trees that could be affected, a Cypress tree (T1) in the rear garden of no. 12 Rothbury Road and a Himalayan Birch (T2) at no. 10. Both were valued as category 'C' features listed as 'trees of low quality with an estimated remaining life expectancy of at least 10 years'. The report concluded that works are not proposed within the root protection area of these trees. Specialist methods of design and construction are to be employed to minimise the impact on these important trees which would be secured by condition. Hard surfacing will be designed and constructed using a no dig, porous system, also to have a minimal impact to the tree.
- 10.26. Verbal consultation with our Arboriculture officer raised no objection to the impacts of the development to the neighbouring trees that would warrant further tree protection measures. A condition is recommended that any excavation is hand dug to further protect the roots of the neighbouring trees.
- 10.27. The Wildlife Assessment submitted with the application did not consider the development to have a detrimental impact on the local wildlife and biodiversity of the site nor would it require consultation with an ecologist. An informative has been attached advising the applicant that under Part 1 of the Wildlife and

Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence.

- 10.28. Therefore subject to the compliance with the attached conditions, the development would accord with policies DM22, DM37 of City Plan Part Two and CP10 of City Plan Part One.

Other Matters

- 10.29. The proposal would result in a two storey, three bedroom detached house. The property would meet the overall minimum floorspace standard of 102msq. All three bedrooms on the first floor would meet the minimum floorspace standards of 11.5msq to provide a double bedroom and fully meets the minimum width and internal head height requirements, with sufficient room for circulation, and appropriate light, outlook and ventilation.
- 10.30. The impact of the construction works on the highway, raised in representations, is not a material consideration given the scale of the development.

11. EQUALITIES

- 11.1. During the determination of this application, due regard has been given to the impact of the scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The works would provide an upper storey on the existing dwelling which would not be accessible to those reliant on a wheelchair, but there is no indication that it would otherwise affect those with protected characteristics.

ITEM F

**106 Dale View
BH2023/02487
Full Planning**

DATE OF COMMITTEE: 6th December 2023

<u>No:</u>	BH2023/02487	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	106 Dale View Hove BN3 8LF		
<u>Proposal:</u>	Erection of detached dwelling house fronting Kingston Close (C3).		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	08.09.2023
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	03.11.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Lewis And Co Planning Brighton BN1 5PD		
<u>Applicant:</u>	Mr Paul Johnston C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA1475/01	B	8 September 2023
Proposed Drawing	TA1475/20	D	17 October 2023
Proposed Drawing	TA1475/21	E	17 October 2023
Proposed Drawing	TA1475/22	D	17 October 2023
Proposed Drawing	TA1475/23	C	8 September 2023
Proposed Drawing	TA1475/24	C	17 October 2023
Proposed Drawing	TA1475/25	E	17 October 2023
Proposed Drawing	TA1475/26	E	17 October 2023
Proposed Drawing	TA1475/27	E	17 October 2023
Proposed Drawing	TA1475/28	A	17 October 2023
Arboricultural Report	Arboricultural Implications Assessment: J64.88	-	24 October 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.
4. The window servicing the staircase on the west elevation at first floor level shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjacent property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. Access to the area of flat roof at first floor level hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
6. No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two
7. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall not be occupied until it has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). 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.

Each dwelling shall be retained in compliance with the requirement thereafter.

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 the Brighton & Hove City Plan Part Two.

9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

10. Prior to the occupation of the development hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of measures that have been taken to ensure the building is accessible for persons of all abilities;

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.

The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

11. The development hereby permitted shall be carried out in accordance with the protection measures identified in paragraph 10.3 of the Arboricultural Implications Assessment prepared by Broad Oak Tree Consultants Limited.

Reason: As this matter is fundamental to protecting the trees which are to be retained around the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

12. 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.
13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.
14. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) The phases of the Proposed Development including the forecasted completion date(s);
 - b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - d) Details of hours of construction including all associated vehicular movements;
 - e) Details of the construction compound;
 - f) A plan showing construction traffic routes;
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35 and DM40 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.
15. 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 the Brighton & Hove City Plan Part Two.

16. The residential unit development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

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.

17. The residential unit development hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

18. Notwithstanding the proposal hereby permitted, prior to the 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 the Brighton & Hove City Plan Part Two and SPD14.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with 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.

Informatives:

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

2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
4. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
6. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
7. 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
8. 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>
9. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
10. 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.

11. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) 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.
12. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
13. 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, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
14. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
15. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

2. SITE LOCATION

- 2.1. The application relates to the land at the rear of no.106 Dale View, fronting onto and accessed from the west side of Kingston Close. The site was most recently used for parking/storage associated with no.106 Dale View, with small, functional, single storey, flat-roofed garages previously on site (now demolished).

- 2.2. Kingston Close is characterised by two storey residential flats on the east side and residential gardens and garages on the west serving properties on Dale View. Kingston Close slopes up from the south to the north. It is a cul-de-sac with no through road.

3. RELEVANT HISTORY

- 3.1. **BH2023/01560** Erection of 2no bedroom detached dwelling house (C3) with associated parking and landscaping to rear of existing house, fronting Kingston Close. Refused for the following reason:
'The proposed development would result in a significant adverse impact on the residential amenity of neighbouring occupants at 102, 104, 106 and 108 Dale View by virtue of its scale and the resulting increased sense of enclosure and loss of outlook. It would also, by virtue of the close relationship between the new dwellings and those on Dale View, result in an unacceptable increase in actual and perceived overlooking for neighbours and future residents, contrary to policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.'

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to subdivide the plot of land at 106 Dale View and erect a detached dwellinghouse at the rear of the site, fronting Kingston Close, with associated parking and landscaping. The two-bedroom, three-person dwelling would be one-and-a-half storeys with a pitched roof form, finished in timber and metal cladding. A single-storey element would sit at its rear (west) end, featuring a flat green roof.
- 4.2. It would have a small garden to the rear (west) along with cycle storage, with bin storage along the side (south). A partially covered parking space would be provided on the frontage (east), along with a small area of planting.
- 4.3. It is a resubmission of the previous application BH2023/01560, amended by reducing the height by 0.5m, and locating it 1m further to the front (east), away from the dwellings on Dale View.

5. REPRESENTATIONS

- 5.1. Four (4) representations have been received, objecting to the proposal on the following grounds:
- Disruption on Kingston Close during delivery and construction period
 - Access should be from Dale View only.
 - Access would not be granted via Kingston Close.
 - There are parking restrictions on Kingston Close.
 - Overdevelopment of the land
 - Too large and not comparable with the adjacent garages.
 - Out of keeping, an eyesore, dominant and overbearing;

- Lack of utilities infrastructure
 - Overshadowing/loss of light
 - Loss of privacy
 - Increased traffic
 - Increased noise nuisance.
 - Applicant has a history of building works that detrimentally impact on Kingston Close.
 - Lack of consultation
- 5.2. A representation has also been received from **Ward Councillor Hewitt**, objecting to the proposal. A copy of the representation has been attached to this report.

6. CONSULTATIONS

- 6.1. Arboriculture - Verbal No Objection subject to condition(s)
If minded to grant planning permission, a condition should be included to require hand-dig only construction within the root protection areas of third party trees, as mentioned in paragraph 10.3 of the submitted Arboricultural Impact Assessment by Broad Oak Tree Consultants Limited
- 6.2. Southern Water Comment
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 6.3. Transport - Verbal No Objection subject to condition(s)
If permission is minded to be granted, conditions should be included requiring a Construction Environment Management Plan, and cycle parking details.
- 6.4. Further information is requested to clarify that the route from the highway to the cycle parking is wide enough; that the cycle parking itself would be covered (and suitable for long stay parking); and what the current demand for the garage space is.

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

Brighton & Hove City Plan Part Two (CPP2)

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
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

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

WMP3	Implementing the Waste Hierarchy
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed

development; and the potential impacts on the amenities of local residents; and on highway safety. A site visit was undertaken in October 2023.

Principle of Development

Creation of Housing

- 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 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply.

Plot Density

- 9.5. A survey of plot and building sizes of the closest properties on Dale View and Kingston Close (fourteen plots including the application site) has been undertaken. This demonstrates that the average plot size is large, at 320m² and the average property occupies 34% of the plot. The application site is slightly above average in size (approximately 365m²), with proposed development reducing the remaining plot of no.106 to 229m² which is significantly smaller than the next smallest property on Dale View surveyed (333.5m²). The subdivision would therefore have an impact on the character of the immediate area, including the large rear gardens associated with properties on Dale View.
- 9.6. The new dwelling would front Kingston Close, and would have a plot size of approximately 134m² which is not significantly smaller than the next smallest plot on Kingston Close (160.5m²). It would occupy approximately 32% of its plot, which is very close to the average plot coverage of the wider area (34%), and less dense than other properties on Kingston Close in particular. It is therefore considered that the character of Kingston Close would be maintained.
- 9.7. While the scheme would result in the subdivision of the garden of 106 Dale View, the garden is long so the eastern extent is more associated with Kingston Close, particularly as the new dwelling would replace a garage

building that was previously on site. In this context, the change to the character of the area is not considered significant.

- 9.8. Further, the provision of a dwelling on the site was considered acceptable in principle in the previous, refused application (ref. BH2023/01560) which was refused solely on the basis of its impact on neighbouring amenity.

Design and Appearance

- 9.9. The design is modern but considered appropriate in its materials and scale. It would introduce a new element into the established streetscene which currently comprises rear garden boundaries, parking garages and other ancillary residential uses. In this context, therefore, it would be a relatively significant structure alongside the single storey garages, replacing a single storey garage previously on the site, introducing a visual change in the streetscene.
- 9.10. However, as acknowledged in relation to the previous, refused application (ref. BH2023/01560) Kingston Close contains a range of buildings of varying sizes and frontages and is opposite larger terraced and flatted blocks set back from the roadway. This, combined with the topography of the Close and the mature trees mean that it would be screened to some extent from views, and that there would be limited impact on the already varied character of the area. It is considered therefore that the scheme would not cause significant harm to the appearance of the site or wider streetscene and would not warrant refusal on design grounds.
- 9.11. Further details on external materials shall be secured by condition in the interest of ensuring a suitable appearance. A condition will also be included restricting the installation of wires, aerials, meter boxes and other ancillary clutter on the east elevation fronting the public highway, in the interest of visual amenity. Furthermore, the permitted development rights for single dwellinghouses shall be removed by condition, in the interest of visual and residential amenity.

Impact on Amenities

- 9.12. The greatest impact on amenity likely to result from the scheme is upon residents of Dale View to the rear (west). The rear window at first floor level would relate to the ensuite bathroom, so could be required to be obscure-glazed and fixed shut so there would be no overlooking from this level, and the rear flat-roofed area would not be permitted to be used as a terrace.
- 9.13. The proposed dwellinghouse has been reduced in scale over that refused under application BH2023/01560, so that it is both lower in height (by 0.5m) and further away from the dwellings on Dale View (by 1.0m). The proposed dwelling is approximately 15.3m from the rear façade of no.106 Dale View, with the first floor element set back a further 3.0m. The proposed dwelling is set lower into the ground than the garden level of no.106 (by approximately 0.85m) resulting in it having a ridge height approximately 4.0m above the natural ground level, and an eaves height of approximately 2.0m. It is considered that the impact has been mitigated to an acceptable degree, and

the development is not anticipated to detrimentally impact on the amenities of residents in terms of appearing overbearing.

- 9.14. Concerns have been raised that the proposed dwelling would cause unacceptable overshadowing of neighbouring land. The dwelling is anticipated to cast a shadow across the garden of no.106 in the early morning hours, then areas of the garden of no.108 through to the late afternoon, at which point the shadow would fall over the Kingston Close carriageway. Given the small scale of the development (with a two-storey element with a length of approximately 7.5m), the fact that it would replace a garage previously on the site, and the large rear garden of no.108 (approximately 250m²) it is considered that the impact on the far end of this garden would be acceptable.
- 9.15. It is not anticipated that the use of this area as a residential dwelling would cause additional harms arising as a result of noise and disturbance beyond that which would be expected and already experienced as a result of the existing dwellings in the area. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.16. Comments were received from the public expressing concerns that the new dwelling could result in an unacceptable loss of privacy on the frontage of Kingston Close. While a degree of overlooking would be introduced, it would not be beyond what is normal for the front elevations of homes and not sufficient reason to refuse planning permission.

Impact on the Public Highway

- 9.17. Concerns have been raised regarding the potential impacts during the delivery and construction periods on accessibility to and from Kingston Close. Planning permission should be granted only subject to the submission and agreement of a Construction Environment Management Plan, which would include details on site access, the size and positions of delivery vehicles, and other matters pertaining to highway safety. Concerns about the applicant allegedly carrying out building works that spilled onto the carriageway of Kingston Close are acknowledged but are not a material planning consideration as permission is granted upon the land, not to any individual, and the identity of the applicant cannot be given weight.
- 9.18. The proposed cycle storage location is considered sufficiently convenient; the uncovered Sheffield stands however are not suitable as a long-term parking solution and further details shall be secured by condition. It is acknowledged that on the proposed site plan the placement of the refuse and recycling bins would reduce access to the cycle parking; it is considered necessary for the bins to be relocated elsewhere in the site, and further details can be secured by condition to mitigate this harm.
- 9.19. The proposed development is not anticipated to result in significant additional traffic along Kingston Close that would be reasonable grounds to withhold planning permission. The site has most recently been used for vehicle access associated with no.106 Dale Avenue; two garages can be seen on historic

street view images. The proposed development would remove access from 106 Dale Avenue to Kingston Close, and instead provide access to the new dwelling that includes only a single parking space; ergo, the proposed development is considered likely to reduce traffic along Kingston Close.

- 9.20. It has been asserted in the representations received that access via Kingston Close, a private road, would not be granted. This is not a material planning consideration but would need to be resolved by the developer via separate legal means.
- 9.21. The fact that there are parking restrictions on Kingston Close has been raised in the representations received; the proposed dwelling features an off-street car parking space so should not generate overspill parking. Vehicles associated with the main dwelling (no.106 Dale View) may be displaced but are not anticipated to spill onto Kingston Close, and this should not justify planning permission being withheld in this instance. Overspill parking onto Dale View itself for one dwelling is not considered likely to be significantly harmful; the site is not within a Controlled Parking Zone so residents currently enjoy unrestricted parking on the carriageway.

Standard of Accommodation

- 9.22. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 9.23. The submitted floor plan specifies a gross internal area (GIA) of 71.3m² over two floors, which exceeds the minimum space standards for a two-bed, three-person, two storey dwelling. The dwelling would comprise living room, kitchen, shower room and a small bedroom (8.7m²) on the ground floor, exceeding the 7.5m² area and 2.15m width required for a single bedroom. The main ensuite bedroom located in the roof space would have a floorspace with a headroom of 1.5m of approximately 14m², which exceeds the requirement of the NDSS. The main living space is considered to offer adequate natural light and the provision of private outdoor amenity space is considered sufficient for a dwelling this size.
- 9.24. A planning condition will be included with any permission granted that the dwelling be constructed in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), to ensure that the dwelling is fully accessible. A further condition will be included restricting the internal layout of the dwelling; it is considered that if the rooms are further subdivided (for instance to create additional bedrooms) it could result in an unsatisfactory standard of accommodation.

Other Considerations

- 9.25. 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, along with conditions requiring details of soft landscaping and the green roof to maximise biodiversity gains.

- 9.26. The proposed development would intrude into the root protection areas of third party trees. The Council's Arboriculture Team has not objected to the scheme on the condition that care is taken within the root protection areas of these trees, as outlined in the Arboriculture Implications Assessment; this shall be secured by condition. The method of construction will require hand-digging (i.e. no machinery used) to avoid potential root tearing. Any roots that are encountered should be neatly severed using sharp secateurs.
- 9.27. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. Both would be secured by condition.
- 9.28. The previous use of the site for domestic garages could have resulted in land contamination; it is considered necessary for permission to be granted only subject to a condition requiring development to cease in the event unidentified contamination is discovered during excavation works. Further information would be required to be submitted to the LPA to ensure that any ground pollution would not have an unacceptable impact on the health of future residents.
- 9.29. It has been asserted in the representations received that the LPA has not adequately consulted local residents on the proposal. The LPA advertised the scheme in accordance with standard practices: letters were sent to adjacent residential dwellings, and the application was displayed on the Council website on the weekly list.
- 9.30. The presence/installation of utilities infrastructure has been raised as a concern in the representations received, but this is not a material planning consideration.

Conclusion

- 9.31. The proposed development would deliver a single dwellinghouse to the housing stock at a time when the LPA cannot demonstrate a five year housing supply; this must be given significant weight in accordance with the NPPF. The dwelling would be of good quality and offer a suitable standard of accommodation. It is also considered to be acceptable in terms of appearance, and the impacts it may have on the amenities of local residents, local biodiversity, and highway safety.
- 9.32. The proposed development would result in the loss of garden space for no.106 Dale View which would be out of keeping with the wider urban grain along Dale View. The density of development is considered to be acceptable in terms of the impact upon the character of Kingston Close.

- 9.33. On balance, it is not considered that the harm caused to the character of Dale View by reason of the intensification of development on this plot would significantly or demonstrably outweigh the benefits of the scheme; therefore, planning permission should be granted.

10. EQUALITIES

- 10.1. Compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) will be secured by condition to ensure that the dwelling is accessible for all.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £6,138.10. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. John Hewitt

BH2023/02487 – 106 Dale View

24th September 2023:

I am writing to object application BH2023/02487.

I am objecting in my capacity as a resident of Kingston Close and as a ward councillor for Hangleton & Knoll ward. I am representing my neighbours/ residents, including those who were unable to submit their objections online. I would like this application to be referred to the Planning Committee; I would like to attend to speak at the meeting.

Background: Kingston Close is a narrow cul-de-sac, and a private road, managed by BHCC Housing Management.

Residents of Kingston Close pay a service charge in relation to this. The West side of the road comprises of single storey garages (mainly set back from the road), hardstanding parking, trees, bushes and fences. The site in question was previously two single storey garages and one hardstanding parking space. It is now three hardstanding parking spaces. Kingston Close is a narrow cul-de-sac, with strict parking restrictions enforced, to maintain access for refuse collections and emergency vehicles.

Comments relating to the applicant's Design and Access and Planning Statement:

3.1- this recognises that the proposed development is a two storey house

4.1- this is a substantial change of use; from car parking spaces to a residential dwelling

5.1- this access is via a Private Road (Kingston Close). Furthermore, there are no utilities (gas/ water/ sewage) on the West side of the road

6.1- this demonstrates the sheer scale of the proposed development compared to existing garages on the West side of the road, which will be flush with the proposed development. This is also demonstrated in the pictures on page 10

11.4- I dispute that this development would have a positive impact on the street scene, as it is significantly larger than other garages on the West side.

11.7- Noted that there is more than 14m from the proposed development to the façade of the flats in Kingston Close, but this doesn't take into consideration the front gardens in Kingston Close.

Garages rear of 88 Dale View: these garages are cited as a typical structure on the West side of Kingston Close (2.2 on page 6), but it is important to note that these aren't comparable to the proposed development. These garages were subject to planning permission (BH2020/00399) and full details of these are available online. The height of these garages are 3.95m high and are set far back from the edge of the road on Kingston Close. The pitched roof in these garages is a loft storage space; not a living space. These are approximately 1.5m higher than the neighbouring

garages, which is considerably lower than the proposed development. There is reference in the Officer's report that these garages are for carparking purposes, rather than commercial use, so not to disturb residents in Kingston Close.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Objections in relation to City Plan Part 2:

DM20 Protection of Amenity

2.156: there was minimal to no engagement or consultation with residents in Kingston Close. Letters were sent to 8 of the 68 properties in Kingston Close, and there were no Planning Notices on lampposts etc. in the Close (like there was for BH2020/00399).

2.157: The window on the second floor overlooks the living rooms and front gardens of Kingston Close.

2.158: The proposed development is overbearing and dominating; especially as it is right on the edge of the road, and not set back. The proposed development would massively stand out as it is significantly larger than the garages next to it.

2.159: The proposed development would overshadow the living rooms and front gardens of Kingston Close.

2.160: As above.

In conclusion: This proposed development is completely out of character with the other structures on the West side of the street, in both size and primary purpose. It would cause a negative impact for the residents in Kingston Close.

There are questions about the feasibility- the only access to the proposed development is via the private road. The private road is a narrow cul-de-sac. The residents of Kingston Close would be impacted by the construction of and the finished property. As there are no habited properties on the West side of the road, the utilities infrastructure is not available on that side of the road.

The site is ideal for hardstanding parking and/ or single storey garages, like there previously was.

In Relation to BH2023/01560

This is a resubmitted application, following BH2023/01560. This application doesn't mitigate or resolve the issues from why the original application was rejected; mainly in response to the negative impact this would have on the properties in Dale View.

Suggested Conditions

If approval is granted following the due processes, I would like to request that the following conditions are considered to put in place:

Access: Kingston Close is not used as an access point for constructing the proposed dwelling. This would apply to vehicles, materials and trades people.

Vehicle parking for drop offs and trades people: Vehicles relating to the construction cannot park in Kingston Close.

This is a private road with dedicated parking bays, which are paid for by residents. The area immediately outside of the road is hatched-off. When the previous garages were being demolished and work to the gardens took place at 106 Dale View, Kingston Close was used as an access point and car park for the construction process. This caused traffic issues and access restrictions to residents. The paving has also been damaged by large construction vehicles and vans parking on the pavement.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Working hours: Construction cannot take place outside of 0800 and 1600 (in line with BHCC trades works) or at weekends. This will mitigate the impact on residents.

Materials storage: Kingston Close cannot be used as an area to store construction materials.

PLANNING COMMITTEE

Agenda Item 65

Brighton & Hove City Council

NEW APPEALS RECEIVED 05/10/2023 - 01/11/2023

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****MOULSECOOMB & BEVENDEAN**

BH2023/01116

18A Coombe Road Brighton BN2 4EA

Display of 1no. non-illuminated wall-mounted timber billboard. (Retrospective)

APPEAL ALLOWED

23/10/2023

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM & HOLLINGBURY**

BH2023/00426

168 Cuckmere Way Brighton BN1 8GH

Erection of single storey rear extension, creation of vehicle crossover with hardstanding and cycle storage, changes to front boundary and associated alterations.

APPEAL IN PROGRESS

06/10/2023

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM & HOLLINGBURY**

BH2023/00901

6 Sunnysdale Close Brighton BN1 8NS

Roof alterations including raising the roof ridge height, hip to gable extension, installation of rear dormer and 2no front rooflights & 1no side rooflight.

APPEAL DISMISSED

05/10/2023

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****QUEEN'S PARK**

BH2022/00733

41A George Street Brighton BN2 1RJ

Change of use from office with garage (Use Class E) to a two-bedroom flat (C3), with fenestration alterations.

APPEAL IN PROGRESS

31/10/2023

PLANNING COMMITTEE

Agenda Item 66

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	<i>ENF2022/00193</i>
Site Address	<i>14 Montpelier Crescent Brighton BN1 3JF</i>
Description	<i>Appeal against</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>N/A</i>
Venue of Appeal	<i>N/A</i>
Planning Officer	<i>Raphael Pinheiro</i>

PLANNING COMMITTEE

Agenda Item 67

Brighton & Hove City Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 18/10/2023 AND 21/11/2023

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00060
<u>ADDRESS</u>	31 Gladstone Place Brighton BN2 3QE
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing single dwelling to form 2no one-bedroom flats and 1no two-bedroom flat (C3) including revised fenestration to side and rear (part retrospective).
<u>APPEAL TYPE</u>	Full Plan Minor Com-against refusal P1FastTk
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02434
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB & BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00082
<u>ADDRESS</u>	18A Coombe Road Brighton BN2 4EA
<u>DEVELOPMENT DESCRIPTION</u>	Display of 1no. non-illuminated wall-mounted timber billboard. (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/01116
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PATCHAM & HOLLINGBURY
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00077
<u>ADDRESS</u>	6 Sunnydale Close Brighton BN1 8NS
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations including raising the roof ridge height, hip to gable extension, installation of rear dormer and 2no front rooflights & 1no side rooflight.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/00901
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN & WEST SALTDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00059
<u>ADDRESS</u>	Rottingdean Bowls Clubhouse, The Green, Rottingdean, Brighton

DEVELOPMENT DESCRIPTION

Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02786

APPLICATION DECISION LEVEL

Delegated

WARD**SOUTH PORTSLADE**APPEAL APPLICATION NUMBER

APL2023/00020

ADDRESS

Unit 9 And Unit 42 Panorama House 1D Vale Road Portslade BN41 1BA

DEVELOPMENT DESCRIPTION

Conversion of units 9 and 42 into two self-contained flats (C3). Removal of existing front door and installation of a new door and window to unit 42, with hedging surrounding. Provision of fenestration and obscure glazed screening at the rear of unit 9.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02344

APPLICATION DECISION LEVEL

Delegated