

# Planning Committee

Date: **7 February 2024**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**  
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# AGENDA

## 77 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.*

## 78 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 10 January 2024.

## 79 CHAIR'S COMMUNICATIONS

## 80 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 1 February 2024.

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

**82 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](mailto:democratic.services@brighton-hove.gov.uk)

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

**MAJOR APPLICATIONS**

A	BH2023/02850 - Land at King George VI Avenue, (Toads Hole Valley), Hove - Removal or Variation of Condition	<b>13 - 72</b>
B	BH2023/02027 - 64 Edward Street, Brighton - Full Planning	<b>73 - 92</b>
C	BH2021/04068 - Saxon Works, Land to the Rear of 303-305 Portland Road, Portland Road, Hove - Full Planning	<b>93 - 112</b>

**MINOR APPLICATIONS**

D	BH2023/03155 - 30 Bodiam Avenue, Brighton - Full Planning	<b>113 - 128</b>
E	BH2023/02647 - Rowan House, 12 Rowan Close, Portslade - Full Planning	<b>129 - 142</b>
F	BH2023/03066 - The Garden Villa, 11C Montpelier Villas, Brighton - Householder Planning Consent	<b>143 - 152</b>
G	BH2023/03067 - The Garden Villa, 11C Montpelier Villas, Brighton - Listed Building Consent	<b>153 - 162</b>

H	BH2023/02707 - 11 Lyminster Avenue, Brighton - Householder Planning Consent	<b>163 - 174</b>
I	BH2023/02441 - The Hare And Hounds, 75 London Road, Brighton - Full Planning	<b>175 - 188</b>
J	BH2023/03311 - Preston Park, Preston Road, Brighton - Full Planning	<b>189 - 200</b>
K	BH2023/02727 - 137 Goldstone Crescent, Hove - Householder Planning Consent	<b>201 - 210</b>
L	BH2023/02672 - 3 Westmeston Avenue, Saltdean, Brighton - Householder Planning Consent	<b>211 - 224</b>
M	BH2023/02906 - 56 London Road, Brighton - Full Planning	<b>225 - 238</b>

#### **INFORMATION ITEMS**

<b>83</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b> (copy attached).	<b>239 - 240</b>
<b>84</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b> (copy attached).	<b>241 - 242</b>
<b>85</b>	<b>APPEAL DECISIONS</b> (copy attached).	<b>243 - 244</b>

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

### **FURTHER INFORMATION**

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

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Date of Publication - Tuesday, 30 January 2024



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 10 JANUARY 2024**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Matthew Gest (Planning Manager), Katie Kam (Senior Lawyer), Emily Stanbridge (Senior Planning Officer), Liz Arnold (Planning Team Leader) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**68 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

68.1 Councillor Earthey substituted for Councillor Fishleigh.

**b) Declarations of interests**

68.2 There were none for this meeting.

**c) Exclusion of the press and public**

68.3 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.

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

**d) Use of mobile phones and tablets**

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

**69 MINUTES OF THE PREVIOUS MEETING**

69.1 **RESOLVED:** The Committee agreed the minutes of the meeting held on 6 December 2023 as a correct record.

**70 CHAIR'S COMMUNICATIONS**

70.1 There were none.

**71 PUBLIC QUESTIONS**

71.1 There were none.

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

72.1 There were no site visits requests.

**73 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

73.1 The Democratic Services officer called the agenda applications to the committee. Item C - BH2023/02101: 123-129 Portland Road, Hove was not called for discussion and was therefore taken to be agreed in accordance with the officer's recommendation. All other applications were called for discussion, including major applications and those with speakers.

**A BH2022/03189 - 26 Abinger Road, Portslade - Outline Application**

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

Answers to Committee Member Questions

2. Councillor Shanks was informed by the case officer that Building Control had assessed the building and agreed to the demolition.
3. Councillor Theobald was informed by the case officer that the damage to the building would require demolition even if a planning application had not been submitted. It was also confirmed that the application was for a corner plot and there were other industrial units in the street. The two-storey building had been negotiated over a three-storey unit. The full planning application will look at details such as the dormer windows in the roof. The design shown in the application was indicative only and concerns had been raised by planning officers, however some dormers may be possible on the front elevation. It was noted that possible staff numbers had been requested and received and the current company have an intention to relocate within the city.
4. Councillor Robinson was informed that the committee were being requested to agree the block plan and mass. It was noted that there were extra conditions in the late list relating to bee bricks and swift boxes, securing Biodiversity Net Gain (off site) through the Section 106 agreement and the inclusion of the indicative elevation into the plans list.
5. Councillor Allen was informed by the case officer that there would be level access for pedestrians and the existing access would be utilised. There was a condition requiring exact pedestrian and access arrangements to be agreed.



6. Councillor Loughran was informed by the case officer that the Use Class was F1 and therefore policy DM9 was used to assess the application.
7. Councillor Cattell was informed by the Head of Transport Policy & Strategy that the street was in a 'no control' parking zone.

#### Debate

8. Councillor Allen considered the existing building to be nice, however understood it had to be demolished. The application was a good use of a brownfield site. The councillor supported the application.
9. Councillor Theobald considered it a shame to lose the existing historic building and they wanted to see the detailed application when it is submitted.
10. Councillor Cattell considered the application was a good use of the brownfield site. The councillor was glad the design would be a reserved matter and they requested a better design than submitted as indicative in this application.
11. Councillor Robinson requested that outside space be included in the design of the detailed application.

#### Vote

12. A vote was taken, and the committee voted unanimously to agree the officer recommendation.
13. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives in the report.

### **B BH2023/02158 - 2 - 4 West Street, Rottingdean, Brighton - Full Planning**

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

#### Answers to Committee Member Questions

2. Councillor Earthey was informed that the Use Class of the building would be E, which meant the use could be for a pharmacy and it was noted that the applicant had advised that the Health Group would be offered the lease for the new unit, however, it was not reasonable to condition for pharmacy only. The Use Class E has been limited to A and E only. The loss of commercial floor space is acceptable under policies CP3 and DM12. There have been no objections from Highways as there are local car parks and sustainable transport is readily accessible from the site. The discharge of conditions will be considered by the case officer. The shop front design has been assessed as part of the application; however, advertisement consent would be required for fascia illumination if required.

3. Councillor Cattell was informed that there would be a flat roof to the rear of the building and a pitched roof to the front. The rear elevation windows would be obscured glazed and permanently closed above 1.m from floor level. It was noted that the windows on the rear ground floor would not be obscure glazed, only those over 1.7m above ground level. The second-floor windows on the front elevation will be openable to enable cross ventilation.
4. Councillor Allen was informed that there would be step free access by condition.
5. Councillor Theobald was informed that the application site was not in the Conservation Area and the Heritage officer found the design acceptable. It was noted that the proposed design matched the adjacent buildings including the Tesco store. The materials are to be approved by the case officer and the Heritage officer by condition.
6. Councillor Robinson was informed that the design had been assessed and found acceptable by the Heritage officer.

#### Debate

7. Councillor Shanks noted that the Health and Wellbeing Board look at the number of pharmacies in an area. The Councillor supported the application.
8. Councillor Allen considered the ramp outside the existing pharmacy needed to be removed, was in poor repair and noted that there were good bus connections nearby. The councillor supported the application.
9. Councillor Cattell thanked the officer for the report and considered the proposed design to be good with nods to the existing buildings in the area, which improves the streetscene. The councillor supported the application.
10. Councillor Robinson considered the proposals to be a vast improvement on the existing building. The councillor supported the application.
11. Councillor Theobald expressed concern over the loss of the pharmacy and did not consider the design to be good.
12. Councillor Allen noted the existing use could be anything, not just a pharmacy.

#### Vote

13. A vote was taken, and the committee agreed by 8 to 1 abstention the officer recommendations.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### **C BH2023/02101 - 123 - 129 Portland Road, Hove - 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 following Conditions and Informatives in the report.

**D BH2023/01369 - Flat 1, 108 Brentwood Road, Brighton - Full Planning**

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

Speakers

2. Ward Councillor Fowler addressed the committee and stated that they had no objection to the access proposed and they had spoken to residents who use the pathway. The councillor requested extra lighting and a gate to protect the communal garden. The councillor noted that residents considered the proposals a security risk. The committee were requested to look at the stepped access instead of creating a new path.
3. Stuart Allen addressed the committee as the agent and stated that the applicant had requested the access as the existing access to the car park was via steps, which could not be reconfigured to a slope as the correct angle of slope could not be achieved. The proposed access would have very little change in gradient. Extra lighting is considered. A gate would require additional funds and would be large scale. A gate had not been requested by the council.

Answers to Committee Member Questions

4. Councillor Shanks was informed by the Ward Councillor that the access would join a cut through and dog walking path. The Planning Manager noted the application was not creating a cut through.
5. Councillor Allen was informed that passive surveillance was provided by the residents of the overlooking flats. It was noted the access would lead to a communal hallway.
6. Councillor Earthey was informed by the agent that a gate was not needed to stop dogs as owners needed to look after dogs and the property was owned by a housing association.
7. Councillor Cattell was informed that the council were the freeholder of the property.
8. Councillor Robinson was informed by the Ward Councillor the suggested gate would be onto a public footpath.
9. Councillor Nann was informed by the agent that currently there was no wheelchair access and the affected resident needed to be lifted to the car park.
10. Councillor Loughran clarified that a gate could be erected under permitted development rights up to 2m.

Debate

11. Councillor Shanks asked the committee to support the application.

- 12. Councillor Allen considered the accessibility improvements would be good for all residents.
- 13. Councillor Robinson supported the application.
- 14. Councillor Nann considered the application to be worth the trade-off of negative impact over requirements.
- 15. Councillor Theobald considered the proposals to be good for all the flats and requested that extra lighting and a gate should be looked at in the future. The councillor supported the application.
- 16. Councillor Loughran supported the application.

Vote

- 17. A vote was taken, and the committee agreed unanimously to the officer recommendations.
- 18. **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.

**74 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

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

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

**76 APPEAL DECISIONS**

- 78.1 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 3.34pm

Signed

Chair

Dated this

day of

# **ITEM A**

**Land At King George VI Avenue  
(Toads Hole Valley)  
BH2023/02850  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**









<b><u>No:</u></b>	<b>BH2023/02850</b>	<b><u>Ward:</u></b>	<b>Hangleton &amp; Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Land At King George VI Avenue (Toads Hole Valley) Hove</b>		
<b><u>Proposal:</u></b>	<b>Variation of conditions 1, 3, 4, 5, 10, 23, 31, 32, 42, 50, 52, 55, 60, 64, 65 and 68 of outline permission BH2022/00203 to include reference to the option of permission BH2022/02534 as a substitute for the school site, inclusion of additional reserved phase, and to allow associated amendments to approved drawings.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale, tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>25.10.2023</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>24.01.2024</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>16.02.2024</b>
<b><u>Agent:</u></b>	<b>Enplan 111 High Street Lewes BN7 1XY</b>		
<b><u>Applicant:</u></b>	<b>Toads Hole Valley Ltd, Pecla Investments Ltd &amp; R.M. Simon C/o Enplan 111 High Street Lewes BN7 1XY</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the s106 agreement as set out below, and subject to the Conditions and Informatives as set out in Appendix A, SAVE THAT should the s106 agreement not be completed on or before 7<sup>th</sup> May 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix B of this report.

### **S106 Legal Agreement (associated with BH2022/00203) - Deed of Variation:** Drafting updates to align the permissions on the site, including:

- reference to the subsequent permission (BH2022/02534) to replace the school with 182 residential units
- reference to this Section 73 permission (BH2023/02850)
- inclusion of the reserved phase
- updated plan and map references

Note: The main S106 Heads of Term, including the level and type of financial contributions, remain unchanged from the original permissions BH2022/00203 and BH2022/02534.

### **Conditions and Informatives:**

See Appendix A at end of this report.

## 2. SITE LOCATION

- 2.1. The Toad's Hole Valley (THV) site, including Court Farm, is a 47 hectare green field located on the northern fringe of Brighton and Hove. The site bounded by the A27 bypass to the north, by King George VI Avenue (KGVl Ave) to the southeast - the major route from Devil's Dyke roundabout into Hove, with the Goldstone Valley/Hove Park residential area to the south and Hangleton and Knoll residential area to the west. The site is roughly triangular in shape and is former arable farmland, and forms part of a dry valley that was cut off from wider farmland when the A27 bypass was constructed to the north in the early 1990s.
- 2.2. The site does not include any designated heritage assets or any locally listed heritage assets. A relatively small part of the south western edge of the site is within an Archaeological Notification Area. To the west, south east and south west of the site is extensive 20th century suburban housing. The South Downs National Park is located to the north and north-east of the site. The Woodland Drive Conservation Area is located to the north-east of the site across KGVl Ave, including Three Cornered Copse. The entire site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north western corner within zone 3).
- 2.3. The site is not generally accessible to the public however the SNCl is statutory 'Open Access land' i.e. the landowner gives the public the right to roam on the land. The site is largely grassland and scrub, with some shrubs and trees.
- 2.4. The application site forms the majority of the THV site (excluding Court Farm in the north-east section) and includes King George VI Avenue within the red application site line and has a site area of 42.2 ha (or 33.7 excluding the 8.5ha SNCl). The site has a number of notable physical elements such as its topography with changes in elevation of around 70m across the site from east to west, with a steep bank at its western and northern boundaries and a flatbottomed valley floor rising up again towards the east.
- 2.5. The THV site is allocated for development in Policy DA7 of City Plan Part One, for a mixed-use new neighbourhood including the following:
  - A minimum of 700 residential units
  - Employment space – site area 3.5 – 4.5ha
  - Site reserved for a new secondary school – site area 5ha
  - Public open space with children's play space and informal sports facilities – 2 ha
  - Provision of ancillary supporting uses – shops and cafes and multi-use community building
  - Food growing space – 0.5 ha
  - Green infrastructure integrated through the site to deliver Biosphere objectives and contribute to Biodiversity Action Plan targets

### 3. APPLICATION DESCRIPTION

- 3.1. The THV site currently has two planning permissions, one outline permission allowing the mixed-use redevelopment of the site including a school (ref.

BH2022/00203), with a second application allowing the redevelopment of the site with additional houses instead of the school (ref. BH2022/02534).

- 3.2. This application seeks to vary the planning conditions on the original outline application BH2022/00203 (granted in June 2022) that refer to the reserved school site so that there is the option to provide either 182 houses or a school on the area, within the wider redevelopment of the site.
- 3.3. Amended parameter and phasing plans have been submitted which identify the relevant part of the site as subject to a 'Reserved Phase' allowing for development of this land EITHER as a school OR residential use under outline permission BH2022/02534 OR such other planning permission as may be granted.
- 3.4. Varied wording is sought to the conditions attached to the original permission BH2022/00203 (numbers 1, 3, 4, 5, 10, 23, 31, 32, 42, 50, 52, 55, 60, 64, 65 and 68), to align the two permissions, so that where reference is made to the school, the words '(if developed)' are added – e.g.  
*“No commercial servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school (if developed), sports facilities, community centre and retail and pub/bar and food takeaway uses except between the hours of 07.00 and 21.00 on Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.”*
- 3.5. Drawing numbers referenced in the conditions would also be updated.
- 3.6. It is important to note that no new or amended development is proposed. The developer already has the option of bringing forward either a school or dwellings on this part of the site so this is a technical amendment to clarify, in a single decision, that the permissions on the site are appropriately aligned. The aim of the current application is to tie all the permissions on the Toads Hole Valley site together and to ensure the second outline permission is permissible within the terms of the original outline permission.
- 3.7. Ultimately, it will be for the owners of Toads Hole Valley to decide which option of development they wish to pursue and construct: wider site with school or wider site with additional housing. The proposal allows flexibility for either.

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

- 4.1. **BH2022/02534** Outline application for up to 182 residential dwellings (C3 use) with parking and incidental landscaping (All Matters Reserved). Approved 26/4/23. Note: This was a 'drop in' application to the main permission below and related to part of the 5ha site for the school only. It would not be developed in isolation from the original scheme.
- 4.2. **BH2022/00203** Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (F1

use)/community sports facilities (F2 use); office/research/light industry floorspace (E use); neighbourhood centre including retail outlets (E/sui generis uses), a doctors' surgery (E use) and community building (F2 and E use); public open and play space, alterations to the Site of Nature Conservation Interest (SNCI); and associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. Approved 6/6/22. Note: This included up to 880 residential units.

## 5. REPRESENTATIONS

- 5.1. Neighbours/Groups: A total of 1 (one) representation has been received from from **Sustrans**, neither objecting or supporting, commenting that current cycling linkages in the area are poor and should be improved as part of the development.

## 6. CONSULTEES

### External:

- 6.1. **Active Travel England**: Do not wish to comment.
- 6.2. **Brighton & Hove Archaeological Society**: Comment.  
The proposed development is of such a large scale that there is potential for archaeological remains to be affected. Suggest County Archaeologist is contacted for their recommendations.
- 6.3. **East Sussex County Council Archaeology**: No objection subject to condition.
- 6.4. **East Sussex County Council Ecologist**: No response.
- 6.5. **East Sussex County Council Landscape Architect**: No objection.
- 6.6. **Environment Agency**: No objection.  
The recommended planning conditions in our response to the outline application BH2022/00203 (our reference HA/2022/123939/01, dated 14 February 2022) and outline application BH2022/02534 (our reference HA/2022/124446/01, dated 21 September 2022) should be imposed. The EA wishes to be consulted on any applications for the discharge of those conditions.
- 6.7. **Natural England**: Do not wish to comment.
- 6.8. **National Highways**: No objection.
- 6.9. **South Downs National Park Authority**: Do not wish to comment.
- 6.10. **Southern Water**: Comment.  
No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. We have

restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

6.11. All other comments on previous applications remain valid (*no objection subject to condition*).

6.12. **Sport England:** No Objection.

6.13. **Sussex Police:** No objection.

Internal:

6.14. **Environmental Health:** No response.

6.15. **Planning Policy:** No objection.

The original outline planning permission BH2022/00203 is broadly compliant with the City Plan and would deliver all the local priorities and key elements identified for THV in Policy DA7 and the accompanying Supplementary Planning Document (SPD15).

6.16. The proposals under BH2022/02534 would replace part of the school land with additional housing which is a departure from Policy DA7. However, permission was granted in the light of evidence put forward by the applicant, which was agreed by BHCC Education, that a further secondary school is no longer needed to serve the city.

6.17. In granting permission, it was also accepted by the Council that provision of further housing is an appropriate alternative land use for the site. Part of the reserved school site would be retained for sports facilities as under BH2022/00203 and together with other community uses in the wider THV site would meet the demands of the increased housing at THV. Also the housing requirements in both Policy DA7 and Policy CP1 (for the wider city) are set as minima and the 182 dwellings proposed would provide additional housing (including 40% affordable housing) which is much needed.

6.18. The city has a very substantial 5-year housing supply shortfall and therefore national planning policy indicates that housing provision carries increased weight within the planning balance (as set out in NPPF Paragraph 11). It should be noted that the city's overall housing supply position has worsened since the Council decision on BH2022/02534. At that date (April 2023) the most recent housing figures (2021 SHLAA) showed a five-year shortfall of 6,915 dwellings (2.1 years of housing supply) whereas more recent figures (2022 SHLAA) show a five-year shortfall of 7,711 dwellings (1.8 years of housing supply).

6.19. THV is the largest single strategic development site allocated in the City Plan and has a major role in delivering the overall housing and employment targets for the city. The variation of conditions proposed in this current application will provide flexibility which will allow for the potential implementation of BH2022/02534 (or such other planning permission as may be granted on the

reserved school land) within the terms of the original outline permission BH2022/00203. This will help to move forward development of the THV site.

6.20. **Sustainability:** No objection.

6.21. **Sustainable Drainage:** No objection.

The proposed amendments will not affect the drainage details reserved by the conditions referenced.

6.22. **Sustainable Transport:** Comment.

Confirmation is sought that the phasing and timings associated with a development option that excludes the school-use, subject of BH2023/02850, are the same as the consented phasing and timings secured as a part of the outline permission (ref: BH2022/02534).

6.23. Confirmation is also sought that the highways infrastructure improvements (the 'Trunk Road Works', 'Hove Highway Works' and 'Other Highways Works') and associated phasing, occupation/delivery density timescales (the 'Requirements') secured through Schedule 7 of the s106 agreement (dated: 01/06/2022) for outline planning permission BH2022/00203 will remain unaffected by the BH2023/02850 application.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA7	Toad's Hole Valley
SA4	Urban Fringe
SA5	The setting of the South Downs National Park
SA6	Sustainable neighbourhoods

CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Spaces
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM41	Polluted sites, hazardous substances and land stability
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and Cooling Network Infrastructure

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD15	Toad's Hole Valley
SPD16	Sustainable Drainage

Planning Advice Notes (PAN):

PAN 05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste

PAN 06: Food Growing and Development

Other:

Woodland Drive Conservation Area Character Statement

Special Guidance A: Swift Boxes and Bricks for New Developments

## 9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The principle of developing the site for a mixed-use development has been established via the DA7 Policy allocation and the two previous (extant) permissions. The principle of substituting part of the school site with 182 additional residential units has been established.
- 9.2. The main consideration therefore relates to whether the proposed variations to conditions and drawings to include reference to school or other optional development, and the introduction of a reserved phase, would have any impact in terms of the policy allocation or other relevant policies, or the type/quantum of development delivered or its associated infrastructure.
- 9.3. The application is solely of a technical nature and is proposed to align the permissions together only, to bring the site forward for development. No new or changed development is proposed.
- 9.4. The proposed changes to the wording of the original conditions are minor and do not change the type or quantum of development already approved. The revised conditions would not change in emphasis and any mitigation etc would be the same.
- 9.5. The proposed reserved phase does not alter the overall phasing of the THV development, which must still broadly adhere to that originally approved. Either option for the land for the school/182 housing units can only come forward as part of the wider neighbourhood scheme, and not before Phase 2. All necessary infrastructure, highways works and supporting uses etc (and associated timelines for their delivery) would remain as originally approved and secured via the S106 agreement.
- 9.6. There are no implications with regard to the original Environmental Impact Assessment or secured mitigation, or in terms of environmental considerations generally, given the proposed development (or current site circumstances) have not changed. Consultees have not raised any objections with regard to this application.
- 9.7. In terms of planning context, the main change since the original permission was granted in June 2022 is the formal adoption of the Brighton and Hove City Plan



Part Two in October 2022. That plan was, however, close to adoption at that time and its policies were given weight when the original scheme was assessed and found to be acceptable, and the position has not changed.

- 9.8. Another change since the original permission is that the city’s five year housing supply has worsened (from 2.1 years to 1.8). Further increased weight must therefore be given to housing delivery when considering the planning balance in the determination of this planning application, in line with the presumption in favour of sustainable development set out in the NPPF. The proposals would align the permissions and thus help deliver comprehensive development of this site and a significant amount of much needed housing, including affordable.
- 9.9. The changes to the S106 agreement required associated with the proposed changes are minor in nature and do not affect the main Heads of Term agreed for both previous permissions, or the type/level of financial contributions. The CIL requirement would be as per the previous schemes, given that no new development is proposed.

**Conclusion**

- 9.10. The proposals are minor in nature and do not alter the development previously approved on the site. They allow flexibility and align both permissions, which will aid significant housing delivery, and weight is given to this in line with the NPPF. The proposal would also aid delivery of other benefits for the city. Therefore approval (subject to a Deed of Variation to S106 agreement) is recommended.

**APPENDIX A – Conditions and Informatives**

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	ACOUSTIC PLANNING SUPPORT DOCUMENT	sharps	21 January 2022
Arboricultural Report	ARBORICULTURAL IMPLICATIONS REPORT		21 January 2022
Report/Statement	DESIGN AND ACCESS STATEMENT		21 January 2022
Report/Statement	EIA VOL II - ENVIRONMENTAL STATEMENT		21 January 2022
Report/Statement	EIA VOL III - APPENDICES		21 January 2022

Proposed Drawing	02-346-124		21 January 2022
Proposed Drawing	02-346-125		21 January 2022
Proposed Drawing	02-346-126		21 January 2022
Proposed Drawing	02-346-127		21 January 2022
Proposed Drawing	02-346-128		21 January 2022
Proposed Drawing	02-346-129		21 January 2022
Proposed Drawing	02-346-130		21 January 2022
Proposed Drawing	02-346-131		21 January 2022
Proposed Drawing	02-346-132		21 January 2022
Proposed Drawing	02-346-133		21 January 2022
Proposed Drawing	02-346-134		21 January 2022
Proposed Drawing	02-346-135		21 January 2022
Proposed Drawing	02-346-142 - REV A		21 January 2022
Location Plan	1019-050-P1		21 January 2022
Proposed Drawing	1019-100-P9		11 January 2024
Proposed Drawing	1019-101-P6		11 January 2024
Proposed Drawing	1019-102-P7		11 January 2024
Proposed Drawing	1019-103-P7		11 January 2024
Proposed Drawing	1019-105-P5		11 January 2024
Proposed Drawing	1019-106-P8		19 January 2024
Proposed Drawing	1019-107-P1		21 January 2022
Proposed Drawing	1019-201-P3		17 March 2022
Proposed Drawing	1019-202-P9		11 January 2024
Proposed Drawing	1019-203-P7		11 January 2024
Proposed Drawing	1019-204-P7		11 January 2024

Report/Statement	OUTLINE LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN		21 January 2022
Report/Statement	OUTLINE SNCI HABITAT CREATION RESTORATION AND MANAGEMENT PLAN		21 January 2022
Proposed Drawing	205585-PD03.2	REV D (HIGHWAYS 2 OF 8)	9 May 2022
Proposed Drawing	acoustic parameter plan		1 April 2022
Proposed Drawing	205585-PD03	REV G (HIGHWAYS)	9 May 2022
Proposed Drawing	205585-PD03.1	REV D (HIGHWAYS 1 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.3	REV B (HIGHWAYS 3 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.4	REV B (HIGHWAYS 4 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.5	REV D (HIGHWAYS 5 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.6	REV D (HIGHWAYS 6 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.7	REV E (HIGHWAYS 7 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.8	REV A (HIGHWAYS 8 OF 8)	9 May 2022
Proposed Drawing	205585-PD04	REV B (GOLDSTONE CRES)	9 May 2022
Proposed Drawing	205585-PD05	GOLDSTONE JUNCTION	9 May 2022
Proposed Drawing	15-T109-53	REV D - SDNP LINK N/E	10 February 2022
Proposed Drawing	MAPA5.8.1.7	WATERHALL DORMICE	10 February 2022
Proposed Drawing	MAPA5.8.5	ENHANCEMENT COMPENSATION	10 February 2022
Proposed Drawing	15-T109-68	REV A CYCLE/PED ELIZABET	21 January 2022
Proposed Drawing	15-T109-81	SDNP WEST ENHANCEMENT	21 January 2022

2. The development authorised by this permission shall be begun either before the expiration of 5 years from the date of the original permission BH2022/00203 by 6th June 2027, or before the expiration of 2 years from the date of the last of the reserved matters to be approved for Phase 1 as set out in the condition below, whichever is the later.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approval of the following details (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing, prior to the commencement of development of each Phase (as broadly indicated on the submitted Phasing Parameter Plans drawing refs 201-P3, 202-P9, 203-P7 and 204-P7) and as agreed via S106 Agreement:

- (i) appearance
- (ii) layout
- (iii) scale
- (iv) landscaping

- A) All reserved matters applications for Phase 1 of the development as indicated on the Phasing Parameter Plan 201-P3 shall be made by 6th June 2025.
- B) All reserved matters applications for Phase 2 of the development as indicated on the Phasing Parameter Plan 202-P9 (which may include the Class E (g) (i-iii) employment floorspace and the school (if developed)) and which shall include the outdoor sports facilities shall be made by 6th June 2026.
- C) All reserved matters applications for Phase 3 of the development as indicated on the Phasing Parameter Plan 203-P7 (which may include the Class E (i-iii) employment floorspace and school (if developed) if not already provided shall be made by 6th June 2027.
- D) All reserved matters applications for Phase 4 of the development indicated on the Phasing Parameter Plan 204-P7 (which may include the Class E (i-iii) employment floorspace and school (if developed)) shall be made by 6th June 2028.
- E) All reserved matters applications for the Reserved Phase of the development indicated on the Phasing Parameter Plan 204-P4 shall be made by 6<sup>th</sup> June 2028. The Reserved Phase shall not be developed in advance of Phase 2.

Development within each Phase shall be carried out as approved and shall be commenced within 2 years of the date of the final Reserved Matters approval for that Phase.

**Reason:** To enable the Local Planning Authority to control the development in detail and to ensure timely delivery of the development and implementation in line with up to date City Plan policy and priorities for this site and to ensure appropriate infrastructure is delivered to serve the whole site in a comprehensive way, to comply with policies SS1, DA7, SA6, CP1, CP2, CP3, CP4, CP7, CP8, CP9, CP10, CP11, CP12, CP13, CP16, CP17, CP18, CP20 of the Brighton and Hove City Plan Part One, DM1, DM9, DM11, DM18, DM19, DM22, DM33, DM35, DM36, DM37 and DM38 of the Brighton and Hove City Plan Part Two,

Supplementary Planning Guidance Note 15: Toad's Hole Valley and to comply with Section 92 of the Town and Country Planning Act 1990.

4. Quantum/type of development permitted (regulatory):
- A) The permission is hereby granted only for the following uses and quantum of development and for no other purpose (including any purpose in Classes C3, E, F1 or F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting that Order with or without modification) as set out in the Parameter Plans:
- (i) up to 880 dwellings (C3 use) and associated car parking
  - (ii) 25,000sqm office/research/light industrial floorspace on a minimum 3.5ha site (E (g) i, ii, iii use) and associated car parking
  - (iii) 5ha of land reserved for a secondary school for up to 900 pupils on a minimum 5ha site (F1 (a) use) (if school developed)
  - (iv) the community sports facilities comprising a 3G pitch and multi-use games area (F2(c) use) (1.09 ha minimum) and associated car parking on part of 5ha site reserved for the school
  - (v) a Neighbourhood Centre comprising 790sqm retail floorspace (E (a) (b) (c) and sui generis drinking establishment and hot food takeaway uses), doctors surgery floorspace comprising at least 750sqm (E (e) use) and a community centre of at least 555sqm floorspace (F2 (b) use) and associated car parking (with an additional 100sqm community centre floorspace to serve the sports facilities on part of the 5ha site reserved for a school if the school is not developed)
  - (vi) open space of minimum 5.8ha in total including landscaping, ecological mitigation, childrens play areas comprising a Local Equipped Area of Play of a minimum 600sqm plus 20m buffer zone and a Local Area of Play of 100sqm plus 5m buffer zone, and public food growing areas of a minimum 0.58ha and a minimum of 4.31ha usable public amenity space (excluding incidental landscaping)
  - (vii) a Site of Nature Conservation Importance of circa 8.5ha.
- B) Notwithstanding the provisions 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), the development hereby permitted is solely for those uses specified in this condition and no changes shall occur to other uses including to other uses within their respective uses classes without planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control the development in detail and as the scheme has been assessed and approved on the basis of this quantum of development only as set out in the application and accompanying Environmental Statement, and to ensure a comprehensive and sustainable mixed use development to meet the strategic needs of the city and the needs of the new residents and to ensure sufficient open space is included for biodiversity, visual and amenity reasons, and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with policies SS1, CP1, CP2, CP3, CP4, CP5, CP8, CP10, CP16, CP17, CP18 and SA6 of the Brighton and

Hove City Plan Part One and policies DM1, DM9, DM11, DM19, DM20 DM22, DM33, DM35, DM36, DM37, DM40, DM43 and DM38 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley

5. Parameter Plans (regulatory):

The land uses including open space, location, quantum of development, detailed design, layout, height and associated infrastructure of the development proposed through Reserved Matters applications pursuant to this Outline Planning Permission shall have regard to, and shall be in substantial accordance with, the principles set out in the following submitted plans:

- Parameter Plan: Land Use 101-P6
- Parameter Plan: Phase 1 and associated narrative 201-P3
- Parameter Plan: Phase 2 and associated narrative 202-P9
- Parameter Plan: Phase 3 and associated narrative 203-P7
- Parameter Plan: Phase 4 and associated narrative 204-P7
- Parameter Plan: Transport & Key Infrastructure 105-P5
- Parameter Plan: Landscape & Ecology 106-P8
- Parameter Plan: Building Heights 102-P7
- Parameter Plan: Density 103-P7
- Parameter Plan: Acoustic Parameter Plan
- Parameter Plan - Highways & Landscape Proposals: King George VI Avenue 142 Rev A

Phases 1-4 shall be built in substantial accordance with the approved Plans and Parameter Plans listed above subject to the Reserved Phase either being built in accordance with this Outline Planning Permission, planning permission BH2022/02534 (dated 26th April 2023) or such other planning permission as granted.

**Reason:** As the Local Planning Authority has had regard to these drawings in determining whether the amount and type development proposed can be accommodated within the site in an acceptable and sustainable way in terms of mix of land uses, overall scale and density, open space, transport and infrastructure delivery, landscaping and ecology mitigation and enhancement, flood risk, building heights and acoustics, in accordance with Policies SS1, DA7, SA4, SA5, SA6, CP1, CP2, CP3, CP4, CP5, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP15, CP16, CP17, CP18, CP19 and CP20 of the Brighton and Hove City Plan Part One and policies DM1, DM9, DM11, DM18, DM19, DM20, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM43 and DM38 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

6. Site Waste Management Plan (pre-commencement):

No development, including enabling works such as site clearance and excavation, of each respective phase shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy CP8 of the Brighton and Hove City Plan Part One and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

7. Piling methods (regulatory/pre-commencement):  
Piling penetrative construction methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason:** Due to the sensitive nature of groundwater beneath this site and the proximity to the drinking water abstraction a piling risk assessment will be required to ensure that the proposal does not harm groundwater resources in line with the National Planning Policy Framework, to comply with policies SA4 and CP18 of the Brighton and Hove City Plan Part One and DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16:Sustainable Drainage.
8. Development on Land affected by Contamination (pre-commencement):  
No development of each respective phase of the development as permitted shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This Strategy will be undertaken by a competent person and shall include the following components:
- A) A preliminary risk assessment, which has identified:
    - (i) all previous uses
    - (ii) potential contaminants associated with those uses
    - (iii) a conceptual model of the site indicating sources, pathways and receptors
    - (iv) potentially unacceptable risks arising from contamination at the site
  - B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - C) The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - D) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan shall comprise built drawings of the implemented scheme, photographs of the remediation works in progress and certificates demonstrating that imported and/or material left in situ is free from contamination.
- The scheme shall be implemented as approved. Any changes to these components require the written consent of the local planning authority.  
**Reason:** To safeguard the health of future residents, to comply with policies SA4 of the Brighton and Hove City Plan Part One and DM20, DM40, DM41 and DM42 of the Brighton and Hove City Plan Part Two.
9. Previously Unidentified Contamination (regulatory/pre-commencement):  
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework, and to comply with policies DM20, DM40, DM41 and DM42 of the Brighton and Hove City Plan Part Two.

10. Parameter Plan: heights (regulatory):

The heights of the development within the site shall not exceed the maximums set out for specific areas of the site on the submitted Heights Parameter Plan ref 102 -P7.

**Reason:** In the interests of visual amenity as the heights have been tested in wider views and it has been demonstrated that any increase is likely to have a detrimental impact on the wider setting and views into and out of the locality including the setting of the South Down National Park and heritage assets, to comply with policies and DA7, SA4, SA5, CP12, CP15 and CP13 of the Brighton and Hove City Plan Part One, DM18, DM19, DM22 and DM29 of the Brighton and Hove City Plan Part Two and SPD17:Urban Design Framework.

11. Housing size and mix (regulatory/pre-commencement):

No development of each respective phase shall take place (except enabling works and site clearance) until details of the housing mix proposed including details of size of units and tenure have been submitted to and approved in writing by the Local Planning Authority. Each phase shall provide circa 50% 3-bedroomed units and the development overall shall provide at least 50% 3 and 3+ bedroomed units and all dwellings shall as a minimum accord with Nationally Described Space Standards for internal space and storage.

**Reason:** To ensure a balanced and sustainable provision of housing including family sized dwellings on the site, to comply with policies CP19, DA7 and SA6 of the Brighton and Hove City Plan Part One and DM1 of the Brighton and Hove City Plan Part Two.

12. Wheelchair accessible standard (regulatory):

A minimum of 10% of the affordable housing and 5% of private market housing within each respective phase hereby permitted shall be built in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and provide a mix of units, to



comply with policies CP19 of the Brighton and Hove City Plan Part One and DM1 of the Brighton and Hove City Plan Part Two.

13. Retail floorspace (regulatory):  
No single Class E retail or sui generis drinking establishment or takeaway unit within the Neighbourhood Centre shall exceed 400 sqm in floor area unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the retail units are not amalgamated to create one large retail unit such as a supermarket or large public house/bar, to ensure a balanced range of facilities and uses to meet day to day local demand, in the interests of sustainability, to encourage use of sustainable transport, to protect the vitality and viability of the shopping centres in the city, to prevent crime and for public health, to accord with Policies CP4, DA7, CP9, SA6 and CP18 of the Brighton and Hove City Plan Part One and DM12 of City Plan Part Two.
14. Air Quality Parameter (regulatory):  
No building facades of residential development shall be located within 30 metres of the A27 trunk road or within 12 metres of King George VI Avenue.  
**Reason:** In the interests of protecting the amenity and health of prospective residents as air pollution levels are greater within these limits, to comply with policies CP18 and SO22 of the Brighton and Hove City Plan Part One and DM40 of the Brighton and Hove City Plan Part Two.
15. Archaeology (pre-commencement):  
No development of each respective phase 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.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies CP13 of the Brighton and Hove City Plan Part One and DM31 of the Brighton and Hove City Plan Part Two.
16. Archaeology (pre-occupation):  
No respective phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and submitted to and approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post-Investigation Assessment will be undertaken in accordance with the Programme of Archaeological Works set out in the Written Scheme of Investigation approved under the condition 15 above.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies CP15 of the Brighton and Hove City Plan Part One and DM31 of the Brighton and Hove City Plan Part Two.
17. Ground levels (pre-commencement):  
The development of each respective phase of development shall not commence until details of the existing and proposed ground levels (referenced as Ordnance

Datum) showing any changes to levels, finished ground slab levels, and spot heights and cross sections to show the buildings and land levels adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the character and appearance of the area and the amenities of nearby properties, in addition to comply with policies CP12, CP13, CP15, DA7, SA4 and SA5 of the Brighton & Hove City Plan Part One and DM18, DM19, DM20, DM22 and DM29 of the Brighton and Hove City Plan Part Two and SPD17:Urban Design Framework.

18. Drainage Scheme & SUDs (pre-commencement - site-wide and phased):

- A) No development shall take place until an overarching Site Wide Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. This overarching SWSWD Strategy shall incorporate the use of Sustainable Drainage Systems (SuDS) features such as ponds, basins and swales and shall provide a framework programme for phased implementation and shall outline how the drainage systems across the whole site will be managed and maintained. The Strategy shall be in accordance with the principles contained in SPD15: Toads Hole Valley and SPD16: Sustainable Drainage.
- B) No development of each respective phase shall take place until the detailed design of the Drainage Scheme for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall be prepared in accordance with the overarching site-wide strategy approved in section A) above and shall subsequently be implemented in accordance with the approved details before the development of each respective phase is first occupied.

The Drainage Scheme for each phase shall include details of the following, incorporated within a Sustainable Drainage Statement:

1. A list of all SuDS measures considered and selected, detailing constraints, available options and how they would be used on site to achieve integrated SuDS design.
2. Full detailed engineering drawings including levels, cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. An assessment to demonstrate appropriate SuDS management and treatment trains for water quality with reference to the SUDS Manual and inclusion of above ground features reducing the requirement for any underground storage and pollution mitigation.
4. Calculations to demonstrate:
  - (i) A Do-Nothing scenario where runoff is discharged offsite without restriction.
  - (ii) The proposed system which will provide sufficient storage to ensure no increase in surface water run-off volumes or onsite flooding for all rainfall events up to and including the 1 in 100

- year + 40% uplift for climate change supported by a time incremental analysis to demonstrate this is achieved.
- (iii) How the system operates during a 1 in 100 year critical duration storm event plus 40% uplift for climate change, including drain down times for all storage features and exceedance routes for any surcharge beyond the design storm.
  - (iv) How each phase of construction impacts on the previous and subsequent phases of construction. This will be used to assess the residual risk of the development stages.
5. The full input and output model file/s used in calculations, for example MicroDrainage, in both .pdf and modelling software formats.
  6. Where infiltration forms part of the proposed system such as infiltration trenches, basins and soakaways, soakage test results at similar test locations and depths and in accordance with BRE digest 365 must be provided.
  7. The implementation of silt traps for protection of any residual tanked elements from siltation.
  8. An estimate of the cost of replacing the chosen system once it has reached its design life.
  9. Details of measures to maintain and secure safe public access arrangements within shared areas of public open space and how such areas will incorporate informal recreation or amenity use.
  10. A phasing and timing of implementation plan.
  11. How nature-based infiltration systems are incorporated and how balancing ponds or other SuDs features will incorporate biodiversity features
  12. How SuDS will interact with and facilitate facilities to recycle, harvest and conserve water resources including rainwater recycling.
- C) Upon completion of the drainage works and prior to occupation for each phase in accordance with the timing/phasing, a Management and Maintenance Plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- (i) Provision of complete set of as-built drawings for site drainage.
  - (ii) A timetable for the management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime including any private elements undertaken by a management company. This plan shall ensure use of chemical pesticides/herbicides are minimised or not used.
  - (iii) a Verification Report demonstrating that the SuDS drainage system for the catchment area for each phase has been constructed in accordance with the approved design drawings.
- D) The SUDs drainage systems shall be implemented and maintained in accordance with the approved details under parts B) and C) for the lifetime of the development.

**Reason:** It is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal to provide a satisfactory means of surface water disposal to prevent the increased

risk of flooding and pollution of controlled waters, and in the interests of sustainability and to provide amenity/recreation space, to comply with policies SS1, DA7, CP7, CP8, CP11, CP16, SA4 and SA6 of the Brighton & Hove City Plan Part One, policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage, SPD17: Urban Design Framework and SPD15: Toad's Hole Valley.

19. Drainage/sewage - SW (pre-commencement of each phase):  
No development of each respective phase shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The development shall be carried out and phased as approved.  
**Reason:** To ensure provision of an adequate sewage network is available prior to development commencing on a phased basis, to comply with policies CP11, DA7, SA4 and CP7 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.
20. Drainage/foul/surface - SW (pre-commencement of each phase):  
No development of each respective phase shall take place until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved means of foul and surface water sewerage disposal shall be implemented within the development.  
**Reason:** To ensure adequate foul sewage drainage/treatment and surface water disposal measures are available to serve the development, to comply with policies CP11, DA7, SA4, CP7 and CP8 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.
21. No infiltration of Surface Water into Ground (regulatory):  
No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure adequate pollution prevention measures are put in place due to the sensitivity of controlled waters in this location to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework and policies CP11, CP7, CP8, DA7 and SA4 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.
22. Energy and Heating Strategy (pre-commencement):

- A) No development shall take place until an overarching site-wide Energy Strategy for the whole development has been submitted to the Local Planning Authority for written approval.
- B) No development of each respective phase shall take place until an updated Energy Statement in line with the principles in the overarching Energy Strategy has been submitted to the Local Planning Authority for written approval for that phase at the design stage that identifies the carbon footprint of the phase of development for each stage of the energy hierarchy:
  - (i) Be lean: savings from energy demand reduction
  - (ii) Be clean: energy savings from low carbon technologies
  - (iii) Be green: savings from renewable technologies.
- All residential development shall be built to achieve an energy efficiency standard of a minimum of 31% CO2 emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes Standard. Non-residential buildings shall meet the carbon emissions requirements of the Future Buildings Standard. No buildings or dwellings shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the carbon emission targets sought have been achieved.
- The Energy Statements shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand. The Energy Statements shall assess the potential for renewable / low carbon energy on site and shall prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps.
- The Energy Statements shall assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings, for the respective phase. This must include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system. The agreed heating system shall be implemented within the development unless evidence is submitted to prove it is not technically feasible or financially viable under current costs, technologies and funding regimes, and considering heat demand.
- The Statements shall contain a whole life carbon assessment accounting for build, occupancy, maintenance and end of life stages. In addition the Energy Statements will set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. The figures for the domestic element of the development should be presented separately from the non-domestic elements and all energy calculations shall use SAP10 emissions factors.
- In the event of future amendments to Building Regulations beyond Part L 2013, the Energy Strategy and Statements shall have regard to the new energy efficiency standards and any Future Homes Standard or Future Buildings Standard in force at that time.
- The agreed energy efficiency measures set out in the Energy Strategy and Statements shall be incorporated within the development and retained.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic

sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

23. Heating - future proofing (pre-commencement part):

No development of the neighbourhood centre including retail units and residential flats, or the development of any other non-residential uses hereby permitted, shall take place until detailed plans and evidence have been submitted to the Local Planning Authority for written approval to demonstrate how such uses will be able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:

- a) Energy centre size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- b) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network, demonstration of where connections will be made into the blocks, space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

The approved future-proofing measures shall be implemented before first occupation of the buildings within which they are located/ connected to and shall be retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

24. Ventilation (ground floor slab level):

Each respective phase of the development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for written approval which demonstrates how and where ventilation will be provided to each residential and commercial building within the development including specifics of where the clean air is drawn from, heat recovery, and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall provide suitable

protection in terms of air quality and shall be implemented before occupation and thereafter retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One and QD27 of Brighton and Hove Local Plan, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

25. Overheating and climate change (within 6 months commencement):

Within 6 months of commencement of each respective phase evidence shall be submitted to the Local Planning Authority for written approval, in the form of an Overheating and Climate Change Analysis to demonstrate that residential and nonresidential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year.

This analysis shall use dynamic thermal modelling in line with the guidance and data set out in Chartered Institute of Building Services Engineers TM52 and TM59 Design Methodology for the Assessment of Overheating Risk in Homes. Evidence shall be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather without affecting their energy consumption or compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

The approved design measures to prevent overheating and adaptations to climate change shall be implemented within the development and retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

26. Water Efficiency (pre-occupation):

None of the residential units hereby approved shall be occupied until evidence that they have been built to achieve as a minimum, a water efficiency standard of not more than 105 litres per person per day maximum indoor water consumption has been submitted to the Local Planning Authority for written approval. The approved water efficiency measures shall be retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives,

to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

27. Electric Vehicle Charging (within 6 months commencement):

- A) Unless otherwise agreed in writing, or superseded by new building regulations, within 6 months of commencement of each respective phase of the development, details of the type and location of electric vehicle charging points (including for cars, vans, motorcycles, scooters and e-bikes) which meet the following minimum standards shall be submitted to the Local Planning Authority for written approval:
- (i) 100% of the car parking spaces associated with the individual houses shall have EV chargers,
  - (ii) 100% of the car parking spaces associated with the blocks of flats shall have EV charges of which 20% shall be fast EV chargers (7kW to 22kW)
  - (iii) at least 50% of the car parking spaces associated with the non-residential uses, shall have EV chargers of which 20% shall be fast EV chargers (7kW to 22kW) and at least one bay within each communal parking area shall have a rapid EV charger (>22kW)
- B) Within 6 months of commencement of each respective phase of the development details of cable trenching (underground ducting) to be provided to future proof and facilitate electric vehicle charging points for all remaining non-residential parking spaces not covered by section A) above shall be submitted to the Local Planning Authority for written approval. The agreed charging points and cable trenching shall be fully implemented before first occupation of the respective dwellings and first use of the associated commercial parking spaces and shall be retained for use thereafter at all times.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM20, DM40 and DM36 of the Brighton and Hove City Plan Part Two.

28. Rainwater Strategy (6 months commencement):

Within 6 months of commencement of each respective phase a Rainwater Harvesting Strategy shall be submitted to the Local Planning Authority for written approval. This shall detail how rainwater will be collected, stored, managed and used and how green living roofs, water butts and tanks will be incorporated, and it shall form part of an overarching Sustainable Drainage Strategy for the whole site. The approved measures shall be implemented and retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of



the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM43 of the Brighton and Hove City Plan Part Two.

29. BREEAM Communities (pre-commencement):

- A) No development shall take place until a 'Step 1' BREEAM Communities Assessment for the masterplan for the whole development has been submitted to the Local Planning Authority for written approval demonstrating that a standard of 'excellent' will be achieved as evidenced by submission of independent verification in the form of a BREEAM Assessment report.
- B) No development of each respective phase shall take place until an updated Steps 2 and 3 BREEAM Communities Assessment demonstrating that the development will meet the BREEAM Communities standard of 'excellent', and which cross references the master plan "Step 1" assessment, has been submitted to the Local Planning Authority for written approval for the respective phase at the design stage. This shall be evidenced by submission of independent verification in the form of a BREEAM Assessment report. The BREEAM Communities Assessments shall include the following at each step:
- Step 1 - Establishing the principle of development - including a range of mandatory performance credits across the range of master-planning issues such as consultation, flood risk, noise pollution, energy, water, ecology.
  - Step 2 - determining the layout of the development - including options for:
    - biodiversity and habitat protection and enhancement
    - pedestrian, cyclist and vehicular movement
    - public transport
    - street and building layout, use and orientation
    - housing type, provision and location
    - utilities and other infrastructure provision
    - public realm and green infrastructure.
  - Step 3 - Designing the details - including options for:
    - landscaping
    - construction materials
    - management and long-term stewardship of facilities and services
    - building design
    - inclusive design
    - resource efficiency during and after construction
    - using local employment during construction.

The development of each phase shall be built in accordance with the approved BREEAM details.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and policies DM43, DM44, DM45, DM46, DM18 and DM19 of the Brighton and Hove City Plan Part Two.

30. BREEAM non-residential (6 months commencement):
- A) Within 6 months of commencement of development of each phase a BREEAM Pre-Assessment for each non-residential building within that phase demonstrating it would meet a BREEAM rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.
  - B) No works above ground floor slab level of each respective non-residential building shall take place until a Design Stage BREEAM report for the relevant use (detailing performance in each category, overall score, and BREEAM rating) to achieve a minimum 'Excellent' rating has been submitted to the Local Planning Authority for written approval.
  - C) Within 6 months of first occupation of each of the non-residential uses hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and policy DM44 of the Brighton and Hove City Plan Part Two.

31. Biodiverse Green roofs (6 months commencement):
- Within 6 months of commencement of development of each phase a Biodiverse Green Roof Strategy which demonstrates how green living roofs shall be incorporated on all flat or other suitable roofs in the development shall be submitted to the Local Planning Authority for written approval.
- As a minimum, the school (if provided), Class E g (i-iii) employment buildings, the neighbourhood centre, the doctors surgery, the permanent community centre and all blocks of residential flats shall incorporate green roofs.
- The details shall include the location, area coverage in sqm, a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme.

The biodiverse green roofs shall then be constructed, maintained and irrigated in accordance with the approved details before first occupation of each respective building they are located on within that phase and shall be retained as such thereafter.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation and to mitigate the wider visual impact of the development particularly in views from and to the South Downs National Park, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM43, DM18, DM22 and DM37 of the Brighton and Hove City Plan Part Two.

32. Design Code (pre-reserved matters):

No Reserved Matters applications shall be submitted until a Design Code which builds on the submitted Design & Access Statement and focusses on both site-wide design principles and more detailed building and landscape design aligning with the National Design Guide and, National Model Design Code and SPD17: Urban Design Framework has been produced in detailed consultation with the Local Planning Authority, and has been submitted to and approved in writing by the Local Planning Authority, which identifies and considers the following:

- (i) An explanation of the purpose of the Code
- (ii) A development vision for the site including placemaking objectives
- (iii) A holistic and sustainable approach to design across all phases of development
- (iv) Carbon neutrality, addressing both operational and embodied carbon
- (v) A strong landscape-led design approach as a priority, with green connectivity for movement, recreation, visual and biodiversity amenity
- (vi) A community-oriented approach to placemaking and public realm with evidence submitted to show community and key stakeholder involvement
- (vii) A positive approach to topography that capitalises on views
- (viii) An approach to movement to achieve easy permeability through and to and from the site and which identifies appropriate pedestrian, cyclist and vehicular hierarchies
- (ix) A contemporary design approach yet which respects local character
- (x) How key local planning policy objectives are supported

The Design Code shall build upon the key principles within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement and Outline Landscape and Ecological Management Plan and associated illustrative drawings submitted with the original application BH2022/00203. The Design Code shall address site-wide design principles including matters of infrastructure, movement, biodiversity and sustainability, and shall address design principles associated with street types, landscape character areas, special places (public realm), car parking, building typologies, architectural character areas, (including materials palettes) and carbon neutrality.

The Design Code shall have regard to other concurrent specialist strategies for the development as secured by condition and S106 Agreement including site-wide strategies for: sustainability (energy and water efficiency, BREEAM, rainwater harvesting, sustainable drainage, green biodiverse roofs), art, landscape/biodiversity, health impact, external lighting and transport/movement. The Design Code shall build on the following identified Landscape Character Areas and Special Places as a minimum and shall consider how sustainable drainage systems can be integrated with the uses of each case:

- Restored Downland
- Blue Corridor
- Hilltop Clumps
- Green Petals (including movement intersections)
- Terraced Slopes
- Food Growth / Allotments
- Landscape Links
- Childrens Play/Sports Facilities
- Heart of the Community

- Employment Campus
- School Campus (if provided)
- The Design Code shall build on the following identified Road and Street Types as a minimum:
- Primary: Site by-pass / transport artery: this should address improvements to King George VI Avenue with regard to pedestrian and cycle movement networks and road traffic management
- Primary Street 1
- Boulevard: (spine road / sustainable transport route)
- Primary Street 2
- Secondary Street (Residential)
- Tertiary Street Residential
- Tertiary Street Shared Surface
- Tertiary Street Open Space Edge
- Tertiary Street Parking Court
- Tertiary: King George VI Avenue forecourts to frontage buildings

For each identified Road and Street type, the Design Code shall identify and consider aspects of physical street design including: appropriate widths, verges, people-friendly surfaces & pedestrian zones, edge or boundary treatments, accessibility, on and/or off-street parking, refuse collection, planters, seating, lighting, crossings, junctions and material types.

The Design Code shall consider the design of discreet parking configurations in all residential streets but especially associated with buildings which front King George VI Avenue, and shall prioritise pedestrian movement and amenity function over vehicular movement in tertiary residential streets. The Code shall establish a site-wide Street Tree-Planting Strategy, shall consider how sustainable drainage systems can be integrated with the uses of each case and shall have regard to the Artistic Strategy for the site. Each Road and Street Type shall be illustrated by scaled drawings including cross sections.

The Design Code shall incorporate an overarching site-wide Artistic Strategy which identifies how artistic components will (on a phased basis) be incorporated within the public realm and walking and cycling network across the site, with focus within the Heart of Community and Neighbourhood Centre area. This may include, where appropriate, street furniture, landscaping measures including provision of informal play space and architectural detailing. The site-wide Artistic Strategy shall demonstrate how artistic components across each phase may be coordinated to ensure consistency and common themes.

The Design Code shall build on the following identified Building Typologies, considering building layout to optimise functionality, natural light, ventilation and views; elevational composition, roof type and material palettes to ensure a suitably varied visual character yet cohesion across the site; and carbon neutrality:

- Open Space Edge - Northern Side (Residential);
- Open Space Edge - Southern Side (Residential);
- Sea View (Residential);
- King George VI Avenue (Residential);
- Stepped Terrace / Courtyards (Residential);
- Linked Villa (Residential);
- Detached (Residential);

- Employment;
- School (if provided);
- Neighbourhood Centre (Mixed Use);
- Community Centre; and,
- Infrastructural (e.g. pavilions, bus shelters, bin stores, bike stores etc.)

**Reason:** As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One, policies DM18, DM19, DM20, DM22, DM33, DM35, DM36, DM37, DM38, DM43, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with SPD15:Toads Hole Valley, SPD06: Trees and Development Sites, SPD11: Nature Conservation and Development and SPD14: Parking Standards and SPD16: Sustainable Drainage and SPD17: Urban Design Framework and the NPPF.

33. Design Code Implementation (pre-commencement each phase):  
No development of each respective phase shall take place until a Design Code Compliance Statement has been submitted to demonstrate how the design of each respective phase has complied with the objectives of the site-wide Design Code sought by the condition no. 32 above. The design of the development within each phase shall be carried out in accordance with the approved Design Code Compliance Statement.

**Reason:** As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One, policies DM18, DM19, DM20, DM22, DM33, DM35, DM36, DM37, DM38, DM43, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with SPD15:Toads Hole Valley, SPD06: Trees and Development Sites, SPD11: Nature Conservation and Development and SPD14: Parking Standards and SPD16: Sustainable Drainage and SPD17: Urban Design Framework.

34. Health Impact Assessment (regulatory/pre-commencement RM):  
Reserved Matters applications for each respective phase of the development shall include a Health Impact Assessment (HIA) for that particular phase to demonstrate how the scheme within that phase addresses the following:
- (i) Healthy Housing - healthy housing quality and design; internal design layout for wheelchair use and the needs of older people; design for accessible car parking; Lifetime Homes standards
  - (ii) Active Lifestyles - how more people will travel actively, and walking and cycling will be prioritised with a clear separation between cyclists and pedestrians; the needs of protected characteristic groups, with particular regard to disability/dementia friendly paving; benches on steep roads within and adjacent to the scheme
  - (iii) Access to open space and nature - public open spaces including those for childrens play and sports; how spaces and sports facilities are inclusive to all; provision of informal structured activities;
  - (iv) Safe and vibrant neighbourhoods - GP healthcare and other social infrastructure; integration of health facilities with other community facilities; the health impact on other primary care services i.e. dentists, pharmacies and opticians.
  - (v) Access to work and training - how the proposals include access to work and training; the inclusion of managed and affordable work spaces.
  - (vi) Access to Healthy Food - food growing including community orchards and allotments; the type of retail offer, to avoid a cluster of hot food takeaways.
  - (vii) Healthy Environment - measures to minimise air pollution caused by traffic and energy facilities; inclusion of a car club; enhancement/provision of bus service; electric vehicle charging points.

**Reason:** To ensure a sustainable and healthy neighbourhood, to comply with policies DA7, SA6 and CP18 of the Brighton and Hove City Plan Part One and SPD15: Toad's Hole Valley.

35. Materials samples (pre-commencement of ground floor slab level):  
No development of each respective phase shall take place above ground floor slab level until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- (i) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - (ii) samples of all cladding to be used, including details of their treatment to protect against weathering
  - (iii) samples of all hard surfacing materials
  - (iv) samples of the proposed window, door and balcony treatments
  - (v) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details and shall accord with the approved Design Code for that respective phase.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12, DA7, SA4, SA5 and CP15 of the Brighton & Hove City Plan, policy DM18 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

36. Crime prevention measures (pre-occupation):

No occupation of each respective phase shall take place until details of crime prevention measures for that phase and each respective land use have been submitted to and approved in writing by the Local Planning Authority. This can be evidenced through Secured By Design certification. The approved measures shall be incorporated within the development and retained.

**Reason:** To ensure the development incorporates design features which deter crime or disorder and the fear of crime, to comply with strategic objective SO23 and policies CP12 and SA6 of the Brighton and Hove City Plan Part One and policy DM18 of the Brighton and Hove City Plan Part Two.

37. Ecological Mitigation and Enhancement Strategy & Plan (pre-commencement): No development shall take place including any enabling works or site clearance or submission of any reserved matters applications until an overarching Ecological Mitigation and Enhancement Strategy (EMES) for the site as a whole has been submitted to and approved in writing by the Local Planning Authority. The EMES shall detail the protection and enhancement of retained habitats, the mitigation and/or compensation for the loss of habitat, the restoration of seminatural habitats and enhancement of the site for biodiversity and shall be in substantial accordance with the details contained in the submitted Environmental Impact Assessment (Enplan, 21/1/22) including Chapter 5 and associated technical appendices including proposed mitigation measures, Outline Landscape and Ecological Management Plan (EPR Ltd 23/12/21), Outline SNCI Habitat Creation, Restoration and Management Plan (EPR Ltd, 23/12/21) submitted with the original application BH2022/00203 and Landscape & Ecology Parameter Plan 106-P8 and shall include:
- a) purpose and conservation objectives for the proposed works
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location/area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details of initial aftercare and remedial measures;
  - j) details for disposal of any wastes arising from works
  - k) evidence that the EMES has been produced by a suitably qualified ecologist.

The EMES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework, and to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan

Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

38. Ecology - phased (pre-commencement):

No development of each respective phase shall be approved until a detailed Ecological Mitigation and Enhancement Plan (EMEP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority. This EMEP shall be produced by a suitably qualified ecologist and shall accord with the overarching principles contained in the site-wide EMES approved under condition 37 above and shall include:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details of initial aftercare and remedial measures;
- j) details for disposal of any wastes arising from works.
- k) details of number, type and location of bird, insect and bat boxes. These shall include as a minimum the equivalent of 1 swift box/brick per residential unit and 20 swift boxes per 50sqm of non-residential floorspace, and 1 bee brick and 2 swift bricks/boxes per residential unit (and a minimum of 20 starling boxes on retained trees within the site).
- l) details of biodiverse green roofs and/or green walls m) details of how the development will be permeable to wildlife

The approved mitigation and enhancement measures shall be implemented within each respective phase before it is first occupied (or if located on individual buildings, before those buildings are first occupied), or in the case of soft landscaping they shall be implemented within the first planting season following approval of the details and should any plant fail or die within the first 5 years they shall be replaced. The measures shall be retained.

**Reason:** To mitigate against the loss of wildlife habitats on site and to ensure satisfactory enhancement of biodiversity, to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

39. Landscape and Ecological Management Plan (pre-commencement - phased):

No development of each respective phase shall take place until a detailed Landscape and Ecological Management Plan (LEMP) based on the Outline Landscape and Ecological Management Plan (EPR Ltd 23/12/21 submitted with the original application BH2022/00203) has been submitted to and approved in writing by the Local Planning Authority. The content of the detailed LEMP shall provide measures to manage and maintain the measures secured in the conditions 37 and 38 above and will secure the long term management of the



amenity planting and open spaces, and shall be produced by a suitably qualified ecologist and shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

The approved LEMP shall be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features, to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

40. Further ecological surveys over a longer period (phased pre-commencement): No development of each respective phase shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all ecological surveys relating the site which informed the ecological mitigation and enhancement measures approved under conditions 37 and 38 are up to date and remain valid (or otherwise). If these are deemed to require updating, further supplementary ecological surveys for the particular species and/or habitats identified shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through conditions 37 and 38. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme under conditions 37 and 38, the original approved ecological mitigation, compensation and enhancement measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development of that particular phase of development. Works shall then be

carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** Ecological surveys may not remain valid for particular species given the period of time passed between original approval and implementation, given this is a large-scale phased development over approximately 10 years. Species are mobile and habitats can change and become more or less suitable, it is therefore important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation, compensation and enhancement can be put in place and to ensure no offences are committed, to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

41. External Lighting Strategy (including biodiversity) (pre-occupation-phased):  
No respective phase hereby permitted shall be first occupied until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include any proposed lighting of sports facilities, lamps and luminaires erected as part of the development and any lighting of public open spaces including the Site of Nature Conservation Importance and shall:
- a) identify those areas/features on site that are particularly sensitive for bats, badgers and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - b) demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the species in a) above using their territory or having access to their breeding sites and resting places;
  - c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
  - d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
  - e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
  - f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

All external lighting shall be installed, operated and maintained in accordance with the specifications and locations set out in the approved Strategy, and these shall be maintained thereafter in accordance with the approved Strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to safeguard the rural setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies SA4, SA5, CP10, CP16 and DA7 of the Brighton and Hove City Plan Part One and to protect species and wildlife habitats as many species active at night (e.g. bats and badgers) which are sensitive to light pollution. The introduction of artificial light might mean such species may be disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to policies CP10 and DA7 of the Brighton and Hove City Plan Part One and policies DM20, DM40, and DM37 of the Brighton and Hove City Plan Part Two.

42. Acoustic Design Statement (pre-commencement):

No development of each respective phase shall take place until an Acoustic Design Statement (ADS) outlining how the layout, design and detailed noise mitigation measures of the proposed development ensures there is no undue impact from road traffic noise or other sources to the occupiers and users of the development in that phase has been submitted to and approved in writing by the Local Planning Authority.

The ADS shall be prepared by a competent person and shall demonstrate how the design and layout of the phase has ensured that best practicable noise conditions are provided. The ADS shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and shall identify appropriate noise mitigation measures for all land uses. All residential units in each phase shall thereafter be designed so as not to exceed the noise criteria based on BS8233:2014, unless otherwise agreed in writing by the Local Planning Authority:

- Dwellings indoors in daytime: 35 dB LAeq, 16 hours
- Outdoor living area in daytime: 55 dB LAeq, 16 hours
- Inside bedrooms at night-time: 30 dB LAeq, 8 hours (45 dB LAmax).

The ADS shall also include measures to mitigate noise impact to users of public buildings and external public areas such as children play areas, outdoor sports facilities and parkland. If the school is to be provided, a separate ADS for the school shall be submitted to and approved in writing by the Local Planning Authority. This separate ADS shall include details of how the school (if provided) at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. Noise levels in the school grounds shall not exceed 55 dB LAeq T.

The final ADS(s) shall be based on the principles of ProPG, Planning and Noise: New Residential Development, BS8233 2014 and WHO standards.

No development of buildings or land uses containing noise sensitive receptors shall be carried out within the red 'unacceptable' noise zones of the site as set out in the approved Acoustic Parameter Plan.

Each respective property and land uses within each particular phase shall not be first occupied or used until the approved noise mitigation measures have been incorporated within the development. The approved measures shall thereafter be retained.

**Reason:** To safeguard the amenities of the prospective occupiers and users of the development, to comply with policies DA7 of the Brighton and Hove City Plan

Part One and policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

43. Alternative ventilation (pre-commencement above slab level):  
If relying on closed windows to meet the acoustic guide values agreed under condition 42 above, the respective phase of the development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval that demonstrates appropriate alternative ventilation measures that do not compromise the façade insulation or increase internal noise levels. If applicable, any room should have adequate ventilation e.g. trickle ventilators, acoustically treated as necessary. The scheme shall demonstrate how and where ventilation will be provided to each dwelling including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development.  
Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO<sub>2</sub> under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and in Chartered Institute of Building Services Engineers TM59 Design Methodology for the Assessment of Overheating Risk in Homes.  
The agreed ventilation measures shall be incorporated within the development before first occupation of each respective building and shall be retained.  
Reason: In order to protection of the amenities of prospective residents and occupiers, in accordance with policies CP8 and DA7 of the Brighton and Hove City Plan Part One and DM20 and DM40 of the Brighton and Hove City Plan Part Two.
44. Noise transmission between units (ground floor slab level):  
No development within each respective phase above ground floor slab level shall take place until a scheme for protecting each occupied unit from noise transmission between adjoining commercial and/or residential units (where relevant), has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. The Building Regulations also apply for the transmission of sound between residential premises and buildings that adjoin them. The floors/walls/stairs between the commercial uses and the residential uses should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard unless otherwise agreed.  
The approved measures shall be implemented and retained.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
45. Plant/machinery noise: (pre-commencement of ground floor slab level):  
No development of each respective phase above ground floor slab level of any part of the development permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or

vibration has been approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest future noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level, unless otherwise agreed. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

The approved measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of occupiers and users of the development to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

46. Tannoys (regulatory):

No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) shall be installed or operated on the site without the written prior approval of the Local Planning Authority.

**Reason:** In order to protect the amenities of nearby residents, in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

47. Noise management plan (for external spaces):

No communal balconies, roof terraces, outside smoking areas or external spaces used for events shall be first brought into use until the respective Management Companies in control of different land uses within the site have submitted Noise Management Plans for all occupiers, tenants and leaseholders of the development detailing the rules for noise management to the Local Planning Authority for written approval. The aim of the Plans should be to avoid noise nuisance during the day and especially between 11pm-7am.

These Plans are to be submitted to the council prior to first occupation or use of each respective land use and shall be implemented and maintained by the Management Companies and any staff employed by the site.

**Reason:** In order to protection of the amenities of nearby residents, in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

48. Odour control of plant (pre-installation):

No plant associated with cooking facilities within the non-residential development hereby permitted shall be installed until a scheme for the fitting of odour control equipment has been submitted to and approved in writing by the Local Planning Authority. Odour control measures can increase fan noise and this should be taken into account during design phase. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the relevant non-residential development and shall thereafter be retained as such.

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

49. Hours of operation (retail and community centre) (regulatory):  
No customers or general public users of the community centre (F2) and retail (E) and sui generis pub/bar and food takeaway uses hereby permitted shall remain on the premises between the hours of 23.00hrs to 07.00hrs each day unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
50. Hours of operation/floodlighting (sports) (regulatory):  
The stand-alone sports facilities and outdoor sports facilities within the school (if developed) hereby permitted shall only be in use between 08.00 hrs and 22.00hrs Monday-Saturdays and 09.00hrs and 21.00hrs on Sundays and Bank Holidays and no floodlights shall be illuminated outside of these operational times.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
51. Delivery and service management plan (pre-occupation of each phase):  
Each respective land use within each respective phase of the development shall not be first occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements associated with all land uses has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM36 and DM40 of the Brighton and Hove City Plan Part Two.
52. Hours for deliveries (regulatory):  
No commercial servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school (if developed), sports facilities, community centre and retail and pub/bar and food takeaway uses except between the hours of 07.00 and 21.00 on Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies DM20, DM36 and DM40 of the Brighton and Hove City Plan Part Two.
53. Details of any CHP and use of ultralow gas boilers (pre-installation):  
No Combined Heat and Power system shall be installed within the development until the following specifications have been provided to the Local Planning Authority for written approval prior to any installation: kWh output, location of flue and height above buildings, height above ground, spot height of ground at the proposed location, flue width, plume temperature and exit velocity and NOx emissions per kWh. Any Ultralow NOx boilers within the development shall have NOx emission rates of less than 30 mg/kwh unless otherwise agreed. The

approved system and specification shall be implemented within the development.

**Reason:** To safeguard the amenities of residents and to minimise air pollution and to protect visual amenity, to comply with policies CP12, CP18, DA7, SA4, SA5 and CP8 of the Brighton & Hove City Plan Part One and DM20, DM40, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two.

54. Refuse & recycling (pre-occupation):

No respective phase of the development shall be occupied until a scheme for the storage of refuse and recycling for each respective land use within that phase 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 to which it relates and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

55. Playing field design (pre-commencement of facility):

The development hereby permitted shall include provision of a full sized 11v11 3G artificial grass football pitch and no development of any outdoor sports playing fields or pitches (including 3G) or multi-use games areas hereby permitted (including if as part of the school - if developed) shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field(s)/pitch(es)/MUGA(s) which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect the sport's facility quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (iii) Evidence that the playing field/s and pitch/es have been constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011);
- (iv) Details of implementation and a maintenance strategy

The sports facility shall be carried out in accordance with the approved details and the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for sports use in accordance with the scheme.

**Reason:** To meet the demand created for sports facilities by the development and to help meet a city-wide strategic demand for 3G football turf pitches which are identified as a priority in the Brighton and Hove Local Football Facilities Plan 2022 and ensure that the playing field is prepared to an adequate standard and is fit for purpose and provided to made available for use before development and

to accord with policies SS1, DA7, SA6, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One.

56. Playing field maintenance (pre-occupation):

No playing fields, pitches or multi use games areas shall be first brought into use until a schedule of playing field/pitch/MUGA maintenance has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Upon the commencement of use of the sports facility the approved schedule shall be complied with in full.

**Reason:** To ensure that the sports facility is first established as a functional playing field/pitch/MUGA to an adequate standard and is fit for purpose and to accord with policies SS1, DA7, SA6, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One.

57. Tree Protection/method statement (pre-commencement):

Prior to the commencement of the development of each respective phase hereby permitted (including any site clearance or enabling works), a Scheme for the protection of the retained trees (based on the SJA Trees Arboricultural Implications Report January 2022), in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) and a scheme to protect the existing hedge on the south side of King George VI Avenue and any relevant trees within Hove Park using hand dug methods if required during construction (including during highway works on and off site) shall be submitted to and approved in writing by the Local Planning Authority.

The development of each phase thereafter shall be implemented in strict accordance with the approved details and protection measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within areas enclosed by tree/hedge protection fences.

**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies DA7, SA4, SA5 CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.

58. Tree protection - supervision (pre-commencement):

Prior to the commencement of the development of each respective phase hereby approved (including any site or ground clearance, tree works, demolition or construction), details of all tree and hedge protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase thereafter shall be implemented in strict accordance with the approved details during the construction period.

**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies DA7, CP8, SA4, SA5, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.



59. Trees - Meeting (pre-commencement):  
No development of each respective phase hereby permitted shall take place (including any site clearance or enabling works) until evidence has been submitted to and approved in writing by the Local Planning Authority (LPA) to demonstrate that a pre-commencement meeting has been held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree and hedge protection measures to be installed OR that all tree and hedge protection measures have been installed in accordance with the approved tree protection plan.  
The development of each phase shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.  
**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies CP8, CP10, DA7, SA4, SA5, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.
60. Hard and Soft Landscaping Scheme (ground floor slab level):
- A) Landscaping proposals within Reserved Matters applications for each phase shall contain the amount, type and location of soft landscaping in substantial accordance with the landscape-led approach contained within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement, Arboricultural Implications Report, Landscape and Visual Impact Assessment drawings (02-346-124 to 135 inclusive) and Chapter 9 and associated appendices of the Environmental Statement. The landscaping proposals at Reserved Matters stage shall also generally adhere to the Landscape Character Areas of the site-wide Design Code and accord with the Landscape and Ecological Management Plan required by conditions 32 and 39.
  - B) No development of each respective phase shall take place above ground floor slab level until a Landscaping Scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping of each phase shall be implemented in accordance with the approved details and the soft landscaping shall be carried out in the first planting season after completion or first occupation of each phase of the development, whichever is the sooner.
  - C) The Landscaping Scheme to be submitted for approval shall include the following:
    - (i) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
    - (ii) Details of how any sustainable drainage system (SUDs) features may be used in addition for public amenity in terms of amenity open space or recreation space or landscaping or to provide visual amenity;
    - (iii) detailed planting plans and an outline written specification (including cultivation and other operations associated with plant and grass

- establishment). A proportion of native species shall be used including those that encourage wildlife, and shall include grass/wildflower mixes, street trees and structure planting. The plans and specifications shall be accompanied by a schedule detailing species, nursery stock sizes (and indicative ultimate heights) and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and defects liability periods;
- (iv) details of screen planting including a minimum 15 metre wide landscaped buffer to the A27 and Court Farm, and the landscape link between the school (if developed)/sports site and the employment site, as illustrated in the Parameter Plans;
  - (v) details of the significant tree planting and green verges proposed along King George VI Avenue to provide a boulevard as illustrated in the Parameter Plans and tree and shrub planting along the new and enhanced cycle/pedestrian route around and through Three Cornered Copse. Specimen of trees which will reach at least 20 metres height at maturity will be required along King George VI Avenue, adjacent to neighbourhood centre and along the internal spine road (see condition below also);
  - (vi) details of how different parts of the landscaping will be continuously connected throughout the site for biodiversity via continuous green connections;
  - (vii) details of layout and detailed design of open spaces including the creation of landscaped public spaces through the central part of the valley and evidence of how the landscaping has responded to the steep topography and visual sensitivity of parts of the site in accordance with the Parameter Plans;
  - (viii) details of hard landscaping works including proposed finished levels and contours, details of car parking surfacing and layouts (and these shall include tree planting to break up their expanse in particular within the school (if developed), neighbourhood centre and employment area) and details of other vehicle and pedestrian access and circulation areas;
  - (ix) details of all boundary treatments to include type, position, design, dimensions and materials;
  - (x) details of minor artefacts and ancillary structures such as street furniture including benches, play equipment, tree pits and guards, refuse bins or other storage, details of lighting column designs, height and material(s);
  - (xi) details of water features, walls, steps, mounds, acoustic bunds etc., and such details to include representative cross/long-sections where necessary;
  - (xii) a timetable programme for implementation of the landscaping scheme
  - (xiii) details of management and maintenance and who is responsible for this via a Landscape Management Plan for 5 years following completion of each respective phase.

Any trees or plants which within a period of 5 years from the completion of each respective phase 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 and ensure the provision of amenity afforded by appropriate landscape design and in the interest of the visual amenities of the area and biodiversity to comply with policies DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One and DM18, DM22, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two.

61. Tree Planting Scheme (ground floor slab level - phased):

No development of each respective phase shall take place above ground floor slab level until a Scheme for Proposed Tree Planting, indicating positions or density, species, and planting size have been submitted to approved in writing by the Local Planning Authority. This may form part of the overall Landscaping Scheme for the site (see condition above) and shall include:

- a) details of the location for tree planting for different areas within the site including a Street Tree Planting scheme for all streets within the development
- b) details of tree planting pits to a specification that will ensure the successful long term establishment of trees suitable to the soil and site conditions, a minimum 18 to 24 cubic metres per pit. Where space is a limiting factor in the provision of an adequate planting pit then the use of a proprietary subsoil planting infrastructure should be used
- c) details of a new boulevard along King George VI Avenue and species selected for the main internal spine road, and in the area of the taller buildings in the neighbourhood centre, internal spine road and shall have an ultimate growth height (i.e. within 40 years) of not less than 20 meters and shall be 'extra heavy standard' nursery stock at the time of planting with 1618cm girth at 1metre high unless otherwise agreed
- d) details of the size at planting of all remaining trees not included in c) above
- e) all tree planting shall comply with BS 8545 (2014) Trees: from nursery to independence in the landscape
- f) details of a timetable for implementation including details of management and maintenance and who is responsible for this via a Landscape Management Plan for 5 years following completion of each respective phase.

Any such trees planted pursuant to this condition that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

**Reason:** To ensure the provision of the amenity value afforded by trees in respect of the proposed development. Sufficient tree pits are essential as the shallow chalk horizons in this area are not conducive to healthy tree growth and the excavation of an adequate tree planting pit will be critical for all new tree plantings. In the interests of visual amenity and biodiversity, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

62. Biodiversity CEMP (pre-commencement):  
 No development or enabling works, including site clearance, for each respective Phase shall take place until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:
- a) risk assessment of potentially damaging construction activities to biodiversity features;
  - b) identification of "biodiversity protection zones";
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements);
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;
  - e) the times during enabling/construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons and lines of communication;
  - g) the appointment of and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) use of protective fences, exclusion barriers and warning signs.
- The method statements as referred to in c) above are required for the protection of breeding birds, badgers, reptiles and dormice. The content of the method statements shall include the:
- (i) purpose and objectives for the proposed works/measures;
  - (ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - (iii) extent and location of proposed works/measures shown on appropriate scale maps and plans;
  - (iv) timetable for implementation, demonstrating that works/measures are aligned with the proposed phasing of enabling and construction;
  - (v) persons responsible for implementing the works/measures;
  - (vi) initial aftercare and long-term maintenance (where relevant);
  - (vii) disposal of any wastes arising from the works/measures
- All clearance and construction activities shall be carried out in accordance with the approved BCEMP.
- Reason:** To protect the biodiversity of the site, to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

63. Construction Environment Management Plans (pre-commencement):
- A) No development or enabling works, including site clearance shall take place until an overarching Site-Wide Framework Construction Environmental Management Plan (FCEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). This shall contain the following:
    - (i) Details of the anticipated types of works that shall be carried out at each phase.
    - (ii) The timing of the enabling/construction works across phases including the forecasted clearance, construction, occupation and completion date(s).

- (iii) The appointment of and the roles and responsibilities of a site-wide CEMP Site Manager who will provide a single point of contact with regard to all CEMPs relating to the whole site for the council, owners, contractors and the public. Details shall include how the CEMP Site Manager will manage, monitor and coordinate all matters pertaining to all CEMPs on the site across all phases and ensure these are compatible and adhered to at all times.
  - (iv) Details of an overarching site-wide Community Engagement Scheme and how the CEMP Site Manager will coordinate and implement this. This shall include details of how the public will be liaised with and kept informed on a regular basis, contact details, details of publicity and how complaints will be dealt with.
  - (v) Details of a site-wide framework relating to mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.
  - (vi) Details of site-wide hours of enabling and construction including all associated vehicular movements including deliveries.
  - (vii) Details of a site-wide Construction Traffic Management Framework including details of the anticipated number, frequency and types of vehicles used during each phase of enabling and construction, a routing plan with associated signage and details of construction site accesses to ensure vehicles can enter and exit in forward gear. This Plan shall include details of measures to prevent vehicles accessing the site from idling or waiting both on the site and on highways in its vicinity, and shall include the locations of any alternative waiting facilities for such purposes if relevant. This Plan shall include details of any anticipated necessary temporary road closure orders or diversions on the highway network in the vicinity of the site.
  - (viii) Details of site-wide measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities
  - (ix) Details of how the public will be protected in the vicinity of the site, including details of anticipated highway scaffolds and hoardings across the whole site.
  - (x) Details of measures to protect public highway from damage across all phases.
  - (xi) Evidence that a Hydrogeological Risk Assessment has been carried out
- B) No development or enabling including site clearance works shall take place within each respective phase until a Detailed Construction Environmental Management Plan (DCEMP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority.

The DCEMP shall accord with the principles set out in the approved Site-Wide Framework CEMP under part A) and shall include the following:

- (i) The details of the types of works to be carried out at each phase.
- (ii) The timing of the enabling/construction works across phases including the forecasted construction, enabling, occupation and completion date(s).

- (iii) Where phases are constructed concurrently, the details of how different contractors and site owners will coordinate across phases within the site to ensure the CEMPs are consistently adhered to and are compatible. This will include liaison with the overarching site-wide CEMP Site Manager. Details shall also be included to demonstrate how the CEMPs will have due regard to any works being carried out at the time to developments in the vicinity of the site.
- (iv) The details of a Community Engagement Scheme which shall demonstrate how the contractors will liaise with local people before and during construction to ensure that residents, businesses, elected councillors and public transport operators are kept aware of progress on the site and how any complaints will be dealt with, reviewed and recorded. Details of the extent of the local community engagement area to be liaised with shall be included. The scheme shall include details of publicity measures including information boards on site, newsletters/emails and a website, and may include regular public meetings. The information provided shall include contact details of the site operations manager(s), contracts manager(s), and any other relevant personnel in case of complaints.
- (v) The details of mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.
- (vi) The details of hours of construction including all associated vehicular movements including deliveries.
- (vii) The details of construction lighting.
- (viii) The details of the anticipated number, frequency and types of vehicles used during construction including forecasts of the daily number and peak hour frequencies of construction vehicle movements associated with the site, such forecasts to be include details of movement purpose and vehicle type, including size, and details of any variation by phase and/or time of year
- (ix) details of measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities and may include other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.
- (x) A plan showing construction traffic routes and the method of access and routing of vehicles during construction and details of the form, siting and installation of temporary wayfinding signage to the site. Construction traffic shall be directed to use routes so as to minimise insofar as reasonably practicable impacts of construction traffic on the transport network and the environment and such a routing plan shall show any variant routes for different vehicle types and/or at different times of day or year and/or in relation to different construction phases
- (xi) The details of the temporary construction site access(es) for access/egress by vehicles, cyclists and pedestrians vehicular access to the site and details of turning areas within the site to ensure

vehicles can enter and exit in forward gear. This shall include evidence of any associated temporary traffic restrictions and any temporary traffic management orders proposed or Traffic Regulation approvals, and the designs shall be submitted in scaled drawings and supported by computer generated vehicle tracking assessments to prove the effectiveness of the design. The designs shall also ensure continued access to other premises in the vicinity of the site during construction.

- (xii) The details of locations of alternative waiting facilities to prevent vehicle idling or waiting to access the site.
- (xiii) The details of any necessary temporary road closure orders or diversions on the highway network in the vicinity of the site including any temporary closures, diversion or alterations to of any pedestrian or cycleway routes through or adjacent to the site. Details of any proposal to restrict, alter or stop bus access through or in the vicinity of the site or the provision of temporary bus stops necessary as a result of any temporary road closures shall also be included.
- (xiv) The details of measures to mitigate against the effects of the construction and development in respect of the adopted highway (including, inter alia, pavements, signage, drainage, lighting, trees and street furniture), cycle hire docking stations, bus stops and shelters, and real-time public transport information displays located in the area
- (xv) The details of a scheme to provide for and manage the on-site parking of vehicles including motorcycles and bicycles by site operatives, contractors and visitors, which shall be based on an assessment of anticipated demand, details of where this shall be located, and how this shall be managed.
- (xvi) The details of the provision for the loading and unloading of plant, materials and removal of waste. All plant, machinery and waste will be stored on site.
- (xvii) The details of the proposed measures on the site to separate and enclose any proposed enabling or construction works including details of any proposed security hoardings and fencing and how they will be maintained.
- (xviii) The details of how any residual land comprising the development not being developed as part of particular phase(s) will be treated and made safe and fenced off or made good.
- (xix) The siting and layout of site compounds and welfare facilities for contractors including details of any related access, engineering measures, pedestrian routes, showering facilities, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts.
- (xx) Evidence to demonstrate that the owners/contractors have applied for and obtained prior consent under the Control of Pollution Act 1974 from the council throughout construction.
- (xxi) Evidence to demonstrate that the owners/contractors have adopted the 'Considerate Contractor Scheme' (or equivalent at the time of submission throughout construction).

(xxii) Evidence that a Hydrogeological Risk Assessment has been carried out

The enabling and construction works within each respective phase shall thereafter be carried out at all times in accordance with the respective approved CEMPs under parts A) and B) above, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

**Reason:** As this matter is fundamental to the protection of amenity, water quality, and for highway safety throughout development works, and to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in compliance with policies CP9 and DA7 of the Brighton & Hove City Plan Part One and DM33, DM20, DM40 and DM43 of the Brighton and Hove City Plan Part Two.

64. Site-wide pedestrian and cycling movement strategy (pre-RM applications):  
No Reserved Matters applications shall be submitted until a Site-Wide Pedestrian and Cycling Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in broad accordance with the Transport and Key Infrastructure Parameter Plan (ref 105-P5) and shall include details of main cycle and pedestrian routes through the site and connections to the wider cycle and pedestrian route network in the area of the site, in particular to connect by bicycle and foot to nearby services and facilities and open spaces including the South Downs National Park. The Strategy shall include, but not be limited to, details of:
- (i) The hierarchy of cycle and pedestrian routes within the site;
  - (ii) Links to off-site cycle and pedestrian network including the national cycle network;
  - (iii) The design of cycleways and footways/pedestrian routes, including surfacing and width, to meet current best practice guidelines at the time of approval and to ensure segregation;
  - (iv) Phasing of provision of infrastructure for cycling and pedestrians on each hierarchy of road and open space;
  - (v) The public engagement and involvement in the preparation of the Site-Wide Pedestrian and Cycling Strategy;
  - (vi) How the Strategy accords with the principles in the Design Code in condition 32 and the site-wide landscape and ecological strategies secured by condition;

The development of each phase shall thereafter be carried out in accordance with the approved details.

**Reason:** To encourage and promote sustainable transport and in interests of amenity in accordance with Policies DA7, CP8, CP9 and CP13 of the Brighton and Hove City Plan Part One and DM18, DM33, DM35, DM36, DM37, DM40, DM20 and DM43 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

65. On-site highways/parking (pre RM applications/ pre-occupation):  
Each Reserved Matters application (for each respective phase) shall be accompanied by a Highway Infrastructure Plan detailing the internal site layout with the spine road, all the roads/footways/cycleways/public rights of way/crossing points and associated verges, landscaping, drainage and lighting



necessary to connect the dwellings and non-residential uses the subject of that Reserved Matters application to existing highways and public rights of way.

The Plan shall include detailed plans demonstrating the number and location of car and motorcycle parking spaces and these shall accord with Supplementary Planning Guidance Note 14: Parking Standards unless otherwise agreed in writing. The Plan shall accord with the Site-Wide Pedestrian and Cycling Strategy in condition 64 above and the principles set out in the approved Design Code under condition 32 and approved landscaping scheme under condition 60 and the approved Parameter Plans. Street trees shall be included throughout the development and along all streets and within all car parking areas. The approved car parking areas shall include provision for disabled users and electrically charged vehicles and parking for motorcycles (in accordance with condition 27).

The Plan shall include details of all bus stops within the site which shall include bus cages, raised kerbs, shelters and real-time information in broad accordance with the approved Parameter Plans. The Plan shall be submitted to the Local Planning Authority for written approval. Associated details of any internal sub-phases shall be submitted for written approval.

The respective car parking areas, roads, footways, cycleways and public rights of way shall be provided in accordance with the approved details prior to the respective occupation of the residential uses, the school (if developed), the sports facility, the neighbourhood centre (including retail uses and doctors surgery), the community centre or the E (g) employment uses to which they serve within each phase, and shall be permanently retained for those purposes at all times thereafter.

**Reason:** To ensure satisfactory infrastructure is in place before buildings are first occupied to meet the travel demands created by the development and the parking needs of occupiers including the disabled to prevent parking overspill, and to encourage and promote sustainable transport and in the interests of highway safety and accessibility. In addition to ensure car parking areas and roads are broken up by greenery in the interests of visual amenity and biodiversity. To comply with policies CP9, CP13, SA4, SA5 and DA7 of the Brighton and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and DM18, DM22, DM33, DM35, DM36, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

66. Cycle Parking (Regulatory - with RM matters applications/pre-occupation): Each Reserved Matters application (for each respective phase) shall be accompanied by detailed plans and a document demonstrating the number, type and location of secure cycle parking facilities for the occupants of, and visitors to, the development. The provision shall include one communal store per phase for 'bike maintenance' and a maintenance stand shall be provided within each bicycle store unless otherwise agreed. The cycle parking shall be in accordance with the principles set out in the Design Code in condition 32 and the Site-Wide Pedestrian and Cycling Strategy in condition 64. No respective dwelling or non-residential use shall be first occupied until the approved cycle parking facilities which serve that dwelling or building/use have

been fully implemented and made available for use and they shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies CP9 and DA7 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two and SPD14: Parking Standards.

67. Details of Court Farm Link (pre-g/f slab level / pre-occupation):  
No development above ground floor slab level of Phase 1 shall take place until details of a centrally located pedestrian/cycle link up to the boundary of the northeast of the site with the ability to join up with the adjacent site at Court Farm, to include a sealed surface, drainage and lighting, has been submitted to and approved in writing by the Local Planning Authority. It shall incorporate a segregated cycle path and footpath wide enough for a double buggy and wheelchair to pass at once. None of the dwellings within Phase 1 shall be occupied until the approved link has been fully implemented.  
**Reason:** In the interest of promoting sustainable transport and ensuring a satisfactory primary link between both sites to ensure a comprehensive and connected scheme on the whole of the Toads Hole Valley site, to comply with policies DA7, CP9 and CP13 of the Brighton and Hove City Plan Part One and DM18, DM22 and DM33 of the Brighton and Hove City Plan Part Two.
68. Staff showers in employment site and school (if developed) (regulatory):  
The employment floorspace provided within the defined employment area of the site and school (if developed) hereby approved shall incorporate staff shower provision in accordance with Supplementary Planning Document 14: Parking Standards unless otherwise agreed in writing. The showers shall be available before the respective Class E (g) employment and school buildings (if developed) are first occupied.  
**Reason:** To ensure the promotion of sustainable transport, to comply with policies DA7, CP8 and CP9 of the Brighton and Hove City Plan Part One and DM33 and DM35 of the Brighton and Hove City Plan Part Two and SPD14: Parking Standards.
69. No development above ground floor slab level of each respective phase shall take place until a scheme for accessing refuse and recycling serving the residential dwellings and non-residential buildings in that phase has been submitted to and approved in writing by the Local Planning Authority.  
The scheme shall provide details of how refuse collection vehicles and their operators will access the facilities including the dimensions of turning areas and road gradients and details of the type, size and location of the refuse and recycling storage areas and shall have due regard to Planning Advice Note 5 Design Guidance for the Storage and Collection of Recyclable Materials and Waste (September 2007) (or a subsequent amended version of PAN05) and the principles set out in the Design Code in condition 32.  
The approved access scheme and refuse storage shall be implemented from first occupation of each respective land use within each phase.  
**Reason:** To ensure the provision of satisfactory facilities for the storage and collection of refuse and recycling in the interests of highway safety and

sustainability, to comply with policies CP8 and DA7 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. (Flood Risk) The applicant is advised to contact the council's Flood Risk Manager for further advice as to what information is required to comply with condition 18 above at [sustainable@brighton-hove.gov.uk](mailto:sustainable@brighton-hove.gov.uk) and to have regard to SPD16: Sustainable Drainage and best practice design guidance.
3. (Design Code) With regard to the Design Code referred to in condition 32 above, it is advised that the Local Planning Authority (LPA) would expect the Applicant to enter into pre-application discussions prior to its formal submission and incorporate the outcome of these, to enable the LPA to input and provide comment at draft stage.
4. (Design Code) With regard to the Design Code referred to in condition 32 above, the Code is expected to complement and build on the approved parameter plans and aspects of the design vision outlined within the Design & Access Statement, Parameter Plans and the Illustrative Masterplan which form the Outline Planning Permission and elevate the ambition for quality of landscape and building design on the site. The Applicant should refer to guidance within SPD17: Urban Design Framework and the National Model Design Code. The LPA would advise the Applicant to consider the Design Code for Graven Hill Village 2018, and also the University College London East Design Codes May 2017, as good-practice examples of how design codes may be approached in general terms.
5. (Design Code) The Design Code referred to in condition 32 above makes reference to the need to identify Special Places in conjunction with relevant Character Area codes and it is advised that the following will be sought for such areas:
  - (i) Community Centre Garden (Heart of the Community): This area is considered of particular importance with regard to place function. It is advised that the place should be flexible to host a variety of events whilst also providing the community with a constant parkland environment between events. It should be vibrant; a convergence of every aspect of the future Toad's Hole Valley community and surrounding adjacent communities.
  - (ii) Green Petal Intersections: The intersection of Primary Roads, Secondary and Tertiary Streets, cycle links, pedestrian routes, landscape links and various Landscape Character Areas between the Green Petals poses significant design challenges. As currently illustrated, these intersections are an obstacle to ease of movement, with particular regard to pedestrians, cyclists and wildlife. The Design Code would therefore be expected to

consider how the topography of the site may allow for the creation of multilayered crossings. A good example of this is The Green Bridge at Mile End Park, London. The Design Code should also establish a minimum width of natural habitat to achieve a continuous wildlife corridor through the site, having regard to concurrent relevant ecological conditions.

- (iii) Neighbourhood Centre Forecourt (Heart of the Community): This area is considered fundamental to achieving the quality of place expected of the Heart of Community Character Area. This forecourt forms part of the face of the development and needs consideration as a pedestrianised square to ensure it best serves the development
  - (iv) Primary Site Access (Heart of the Community): Similarly, the primary access to the site adjacent to the Neighbourhood Centre forms the face of the development so it is imperative that this place is designed to be clear, welcoming and intuitive.
  - (v) King George VI Avenue Boulevard: This road is an important interface of the development and is critical in creating an identity for the proposed development. As such, its change in character needs to be managed carefully to ensure the sense of severance to adjacent areas is significantly reduced and the site is welcoming to users. The way the built form and landscaping meets the boundary needs careful consideration as do the building typologies; as such, ambitions for this special place should relate successfully with associated, Road Type, Character Area and Building Typology codes.
6. (Ecology) Where possible, bee bricks required by the condition 38 above should be placed in a south facing wall in a sunny location at least 1 metre above ground level. Swift bricks 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 swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
7. (Southern Water) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
8. (Air quality/transport) The developer is advised to consider the incorporation of superfast broadband for flexible reliable online working to the dwellings and communal rooms as this can play a part in minimising road traffic congestion (and associated air pollution) associated with morning and evening commuting
9. (Air quality/transport) The developer should seek to ensure HGV construction movements avoid local Air Quality Management Areas and aim to ensure they meet the euro-VI emission standard available since 2014. Non-Road Mobile Machinery (including bulldozers, loaders, and tower cranes) should aim to meet emissions standard IIIB. From 2025 NRMM should aim to meet emission

standard stage IV. Diesel generators and other constant speed engines should aim to meet emissions stage V from 2025.

**APPENDIX B: Reasons for refusal if Section 106 not signed by 7<sup>th</sup> May 2024:**

Phasing:

1. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development is appropriately phased so that the necessary supporting social, environmental, community, health, ecological, open space, sports and play, employment, transport (including sustainable transport linkages) and other physical infrastructure and mitigation measures is satisfactorily provided in a timely way to satisfactorily serve the demands created by the development and mitigate its impacts, and thus would fail to deliver a sustainable neighbourhood, contrary to policies SS1, DA7, SA6, CP1, CP2, CP3, CP4, CP7, CP8, CP9, CP10, CP11, CP12, CP13, CP16, CP17, CP18, CP20 of the Brighton and Hove City Plan Part One, DM1, DM9, DM11, DM19, DM33, DM35, DM36, DM37 and DM38 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

Transport:

2. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and travel measures and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured for sufficient junction and road capacity or the promotion of use of sustainable modes of transport including walking, cycling and bus use including strategic linkages to adjacent areas including the South Downs National Park. In addition, there would not be a mechanism to ensure the proposed highway works are carried out in a timely way or are safely designed. The proposal is therefore contrary to policies SS1, DA7, SA6, CP7, CP8, CP9, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

Affordable housing:

3. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to secure the necessary provision of 40% affordable housing within the scheme, contrary to policies SS1, CP1, CP7, CP19, CP20, DA7 and SA6 of the Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

Custom/self-build housing:

4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure the necessary inclusion of an element of custom/self-build housing plots, contrary to policies SS1, SA6, CP1, CP7, CP19 and DA7 of the

Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, Supplementary Planning Document 15: Toad's Hole Valley and the council's statutory duty to ensure sufficient serviced plots of land to meet demand on the Custom Housebuilding Register, the Council's Developer Contributions Technical Guidance and the NPPF para 62.

Employment space delivery:

5. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of necessary cleared and serviced employment land and employment floorspace on at least 3.5 hectares of the site, and thus fails to provide a sustainable neighbourhood at Toad's Hole Valley, contrary to policies SS1, DA7, SA6, CP2, CP3 and CP7 of the Brighton and Hove City Plan Part One, DM11 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

Ecology/Biodiversity:

6. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of the necessary and appropriate ecological mitigation and enhancement on and off-site required as a result of the development, contrary to policies SS1, CP7, DA7 and CP10 of the Brighton and Hove City Plan Part One, DM37 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, Supplementary Planning Document 11: Nature Conservation and Development, the council's Developer Contributions Technical Guidance and the NPPF.

Open space:

7. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of the necessary and appropriate open space within the development to meet the demand created by the development for public open amenity space, children's play areas, food growing areas and landscaping, contrary to policies SS1, CP7, SA6, DA7, CP12, CP13, CP14, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM18, DM22, DM37 and DM38 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance, Planning Advice Note 06: Food Growing and Development and the NPPF.

Sports facility:

8. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of necessary and appropriate sports and exercise facilities to meet the demand created by the development and the wider strategic needs of the city (either through dual use of the school if developed or as stand-alone community sports facilities as well as use of landscaped areas), contrary to policies SS1, CP7, SA6, DA7, CP12, CP13, CP14, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM22 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance, the Brighton and Hove Local Football Facilities Plan and the NPPF.

Community facility:

9. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure the delivery (and marketing) of a necessary and appropriate multi-use community centre facility (which includes sports provision and South Down National Park interpretation material within it) to meet the demand created by the new development and strategic city-wide needs, contrary to policies SS1, CP5, CP7, DA7, SA6, Cp12, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM9 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

Health facility:

10. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of a necessary and appropriate doctors surgery facility, contrary to policies SS1, SA6, DA7, CP7, CP12 and CP18 of the Brighton and Hove City Plan Part One, DM9 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

Neighbourhood centre:

11. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of a necessary and appropriate neighbourhood centre which includes ancillary supporting retail and community uses, contrary to policies SS1, SA6, DA7, CP4, CP7, CP12, CP18 of the Brighton and Hove City Plan Part One, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

Construction training:

12. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy SS1, SA6, CP2, CP7 and DA7 of the Brighton & Hove City Plan Part One and Supplementary Planning Guidance Note 15: Toad's Hole Valley the Council's Developer Contributions Technical Guidance.

Employment Scheme:

13. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policy SS1, SA6, CP2, CP7 and DA7 of the Brighton & Hove City Plan Part One and Supplementary Planning Guidance Note 15: Toad's Hole Valley and the Council's Developer Contributions Technical Guidance.

Public Art:

14. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of an on-site artistic component, contrary to policies SS1, SA6, CP5, CP7, DA7 and CP13 of the Brighton & Hove City Plan Part One, and Supplementary Planning Guidance Note 15: Toad's Hole Valley and the

Council's Developer Contributions Technical Guidance and Planning Advice  
Note 10: Public Art and the Council's Public Art Strategy 2022.

Compliance/monitoring:

15. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring and compliance of the conditions and obligations associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6, CP7 and DA7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.



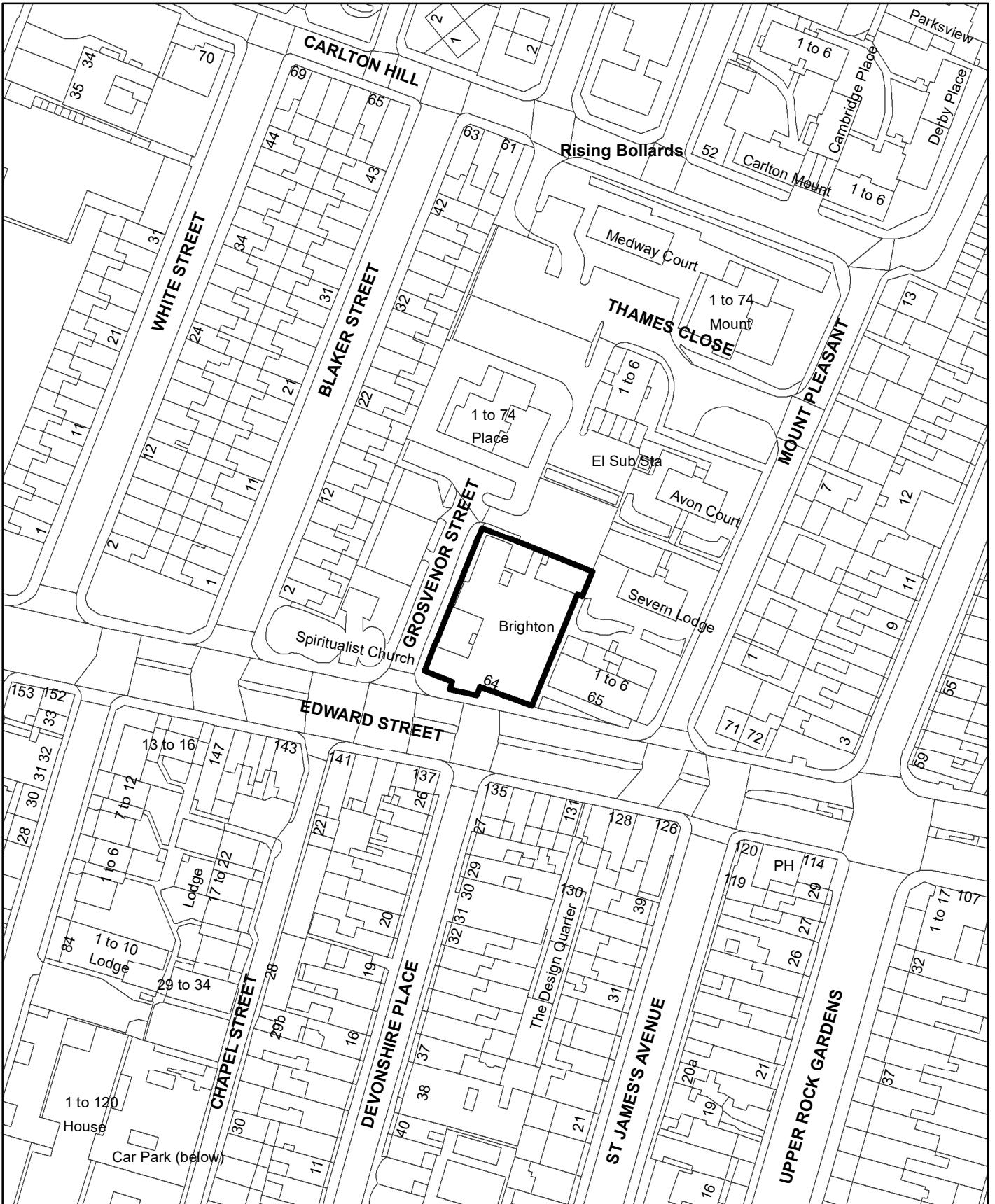
# **ITEM B**

**64 Edward Street  
BH2023/02027  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 02027 - 64 Edward Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02027</b>	<b><u>Ward:</u></b>	<b>Queen's Park</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Brighton Youth Centre, 64 Edward Street Brighton, BN2 0JR</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of Youth Centre to provide shared exhibition, performance and workshop spaces, along with a skate park, climbing wall and sports hall.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts, tel: 01273 292366	<b><u>Valid Date:</u></b>	17.07.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	16.10.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.02.2024
<b><u>Agent:</u></b>	CMK Planning, 11 Jew Street, Brighton, BN11UT		
<b><u>Applicant:</u></b>	Brighton Youth Centre, 64 Edward Street, Brighton, BN2 0JR		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	EX_001		17 July 2023
Proposed Drawing	PR_016		17 July 2023
Proposed Drawing	PR_017		17 July 2023
Proposed Drawing	PR_018		17 July 2023
Proposed Drawing	PR_019		17 July 2023
Proposed Drawing	PR_020		17 July 2023
Proposed Drawing	PR_021		17 July 2023
Proposed Drawing	PR_022		17 July 2023
Proposed Drawing	PR_023		17 July 2023
Proposed Drawing	PR_024		17 July 2023
Proposed Drawing	PR_025		17 July 2023
Proposed Drawing	PR_026		17 July 2023
Proposed Drawing	PR_027		17 July 2023
Proposed Drawing	PR_028		17 July 2023
Proposed Drawing	PR_029		17 July 2023
Proposed Drawing	PR_030		17 July 2023
Proposed Drawing	PR_031		17 July 2023
Proposed Drawing	PR_032		17 July 2023
Proposed Drawing	PR_33		17 July 2023

Report/Statement		Design & Access	17 July 2023
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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 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 all hard surfacing materials
  - d) samples/details of the proposed window, door and balcony treatments
  - e) samples/details of all other materials to be used externally
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 and DM26 of Brighton & Hove City Plan Part 2 and CP12 & CP15 of the Brighton & Hove City Plan Part One.
  
4. No development shall take place until details of bird bricks and bee bricks including number, type and location, and details of a minimum of 75% of plant species used in landscape planting being of recognised wildlife value, has been submitted to and approved in writing by the local planning authority. The approved details should thereafter be implemented in full, with the bricks integrated into the fabric of the building where possible, and retained thereafter.  
**Reason:** To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.
  
5. 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.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping which enhances nature conservation interest 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 accord with the standard described in Annex 6 of SPD 11 and shall include the following:
  - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to 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.

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

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

8. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.

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

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

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

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

11. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the *Design and Access Statement* (ref. Alter, received on 17 July 2023) shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall be installed in accordance with the approved details and maintained 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.

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

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site



- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

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

15. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 5<sup>th</sup> October 2023 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

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

16. The windows above ground floor level in the eastern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Swift Bricks Swift bricks can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m

clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case an alternative design using externally mounted swift boxes should be provided.

3. Bee Bricks Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. 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.
5. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
6. 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).
7. 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 1<sup>st</sup> March – 30<sup>th</sup> 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.
8. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
9. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>
10. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and sustainable drainage, and an implementation timetable. Please contact

Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## **2. SITE LOCATION**

- 2.1. The application relates to an existing large, two to four storey brick building that was built in the 1950s and is currently in use as a Youth Centre providing gym facilities, a skate park and rooms for youth services within the city.
- 2.2. The building has its main frontage on Edward Street to the south with access and parking provided along Grosvenor Street to the west. Grosvenor Street also provides access to Tyson Place, a block of high-rise flats to the north of the site. The Brighton National Spiritualist Church is located immediately to the west on Edward Street and is a locally listed Heritage Asset. The northern boundary of East Cliff Conservation Area is located on the opposite side of Edward Street to the south.
- 2.3. There is a significant land level change across the site with Edward Street rising from the west to the east and Grosvenor Street rising from the south to the north. The area to the north, east and west is predominantly residential with diverse mix of residential and commercial uses to the south side of Edward Street.
- 2.4. The existing building has little architectural or historical value. The main access is provided along Grosvenor Street to the west where the building is two stories high. This then rises with the main four storey building to the rear of this.

## **3. RELEVANT HISTORY**

- 3.1. There is no relevant planning application history relating to the site, but there have been two recent pre-application enquiries relating to its redevelopment:
- 3.2. PRE2022/00188: Redevelopment of youth centre. Response provided 10 March 2023. The amended design of this submission is much closer to the final application although some concerns remained regarding neighbour impact and scale.
- 3.3. PRE2021/00027: Redevelopment of Youth Centre. Response provided 03 June 2021. The principle of the use was agreed to be established but concerns were raised about the overall scale and design of this iteration.

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks permission for the demolition of the existing youth centre building and the erection of a five-storey building providing 2259sqm community use floorspace. The floorspace would be 356sqm more than the existing building and would continue to provide youth services to the city.

- 4.2. The existing two to five storey building would be demolished and replaced with a new, five storey, modern building with a modern appearance including concrete, aluminium and metal panelling. The main entrance would sit on the corner of Eastern Road and Grosvenor Street.
- 4.3. No change of use is proposed. The existing building, which has provided youth services to the city since the 1950s, is no longer fit for purpose and the proposed new building would provide improved youth services to the city including an improved skate park and gym space, theatre facilities with a stage, private rooms for mental health facilities along with a general community space for the use of young people.
- 4.4. The design of the proposed building has developed through the pre-application process including concerns over the proximity to and impact on residential neighbours along with design details relating to fenestration to the exterior. These impacts have been mitigated by pulling the second to fifth floors back from the eastern elevation to reduce the impact on the adjacent block of flats, and introducing a community garden to the north of the site, separating the building from the carpark to the north. Additionally, more visual interest has been added to street facing elevations in the form of textured fenestration.

## 5. REPRESENTATIONS

- 5.1. **Four (4)** representations have been received objecting to the application. **One (1)** has been received in support and **one (1)** neither supporting nor objecting to the application.
- 5.2. The following concerns have been raised in objections:
  - Additional traffic and impact on parking in the area
  - Loss of onsite parking
  - Construction noise
  - Overdevelopment of the area
  - Impact on East Cliff conservation area
  - Overshadowing and loss of sunlight/daylight of neighbours due to height
  - Impact of external lighting on neighbours
  - Increased noise from the use of the site

## 6. CONSULTATIONS

### External

- 6.1. **Conservation Advisory Group:** no objection but note that they felt there had been a missed opportunity for a better design; and that the Design and Access Statement 'comprised mainly pretentious nonsense which was not helpful to those attempting the impact of this scheme'.
- 6.2. **County Archaeologist:** No objection

- 6.3. **Ecology:** No objection subject to conditions relating to bird and bee bricks. Note in informal comments that while a biodiversity net gain assessment was not carried out, the application was judged as delivering well in excess of the required 10% biodiversity net gain, by virtue of the site's urban nature and limited areas of ground level planters, and the proposed enhancements. The planting would provide around 15m<sup>2</sup> of planting, a circa 200% increase in planter area.
- 6.4. **Southern Water:** No objection subject to sufficient drainage details being submitted
- 6.5. **Sussex Police:** Neither support nor object.

Internal

- 6.6. **Economic Development:** No comment.
- 6.7. **Heritage:** No objection but request further information to justify the modern materials used in the construction of the new building
- 6.8. **Planning Policy:** No objection to the application as it would support the goals of Policy CP17 of City Plan Part One, Policy DM9 of City Plan Part Two and the Edward Street Development Area as identified in Policy DA5.
- 6.9. **Sports Facilities:** No objection.  
The proposal provides additional much needed good quality indoor activity spaces for the city - specifically young people. Overall, the scheme delivers new spaces compatible with the existing site use that will be available all year during the daytime, evenings, weekends and school holidays which will help provide increased access and opportunity for young people in the local community to good quality sport and leisure facilities.
- 6.10. **Sustainable Drainage:** Require further information relating to drainage systems before being able to recommend for approval. [verbal update to be provided].
- 6.11. **Sustainability:** No objection subject to conditions.  
The energy proposals for this development are acceptable. There is no objection to approving this development, with the following recommended conditions:
- A post-construction certificate demonstrating that BREEAM 'Excellent' rating has been achieved.
  - Further information, drawings or report showing the actual layout of the heating and renewable energy installations.
- 6.12. **Transport:** We required the following information to support this application prior determination:
- The provision of disabled parking. The proposed amount of 0 (zero) disabled car parking spaces is considered insufficient by the requirements of Parking Standards SPD14 which requires a minimum of three (3) spaces, and this is contrary to Brighton and Hove City Council policy DM33. The applicant is proposing the removal of the existing car parking areas. Therefore, there is no space available on site following the proposed amendments for such provision, and there are considered to be limited opportunities on street.

BHCC Policy does not allow for disabled parking bays to be designated on the public highway for non-residential use. Previously there were parking spaces where this may have taken place or where it could have been provided.

- Deliveries and Services and Refuse and Recycling. This is requested prior to determination as there is insufficient information on where servicing shall occur satisfactorily. The proposal to remove both car parking areas and increase the footprint of the building will restrict the operational use of the surrounding streets/private car parking area in the vicinity of site. The applicant suggests a delivery bay on street however, this cannot be guaranteed and would involve public consultation. No details of how refuse and recycling can conveniently occur at the rear of the site.
- Trip Assessment. Further information including baseline peak hour trip rates to determine future growth in number prior to determination. This should be an assessment on the main two-way trips during the peak hours (8-9am, 4-5 and 5-6pm) that would reflect the growth in attendance numbers proportionally with the growth in floorspace.

6.13. If the LPA still minded to grant planning consent for this application, the following conditions must be secured;

- Cycle Parking Scheme,
- DEMP/CEMP,
- Full Travel Plan

6.14. Also, the applicant is required to contact Brighton & Hove City Council's 'S278' team and secure the proposed highway work via a S278/106 agreement.

6.15. **Urban Design:** No objection subject to conditions relating to materials.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

## The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
SA6	Sustainable Neighbourhoods
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP17	Sports Provision

### Brighton & Hove City Plan Part Two:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development; the design and appearance of the proposed new building, its impact on adjacent heritage assets and its impact on neighbours and highway capacity.

### **Principle of the Development**

- 9.2. As there is no proposed change of use for the site and only a relatively small increase in floorspace (356sqm), the principle of the development is acceptable subject to the matters detailed below.
- 9.3. The site falls within the Eastern Road Development Area as identified by Policy DA5. The proposed new facility would house a wider range of facilities, including sports pitch, music and events space, dance studio, computer/digital room, youth club and art rooms, counselling and clinical rooms as well as a replacement skatepark.
- 9.4. The proposed use is therefore, in policy terms, acceptable in principle subject to other planning considerations outlined below. The Council's Planning Policy team has no objections to the scheme.

**Design and Appearance and Impact on Heritage Assets:**

- 9.5. The existing building is of no architectural or historic merit and a more visually interesting replacement would be welcomed.
- 9.6. The footprint, scale and height of the proposed building are considered to be appropriate to the townscape and to the setting of the nearby heritage assets, namely the Locally Listed church and conservation area opposite. The building would be 1.5m taller than the maximum height of the existing Youth Centre, but would be consolidated to have a consistent roof height, and a straight building line along the frontage. This is considered to improve the appearance of the site by providing more visual interest on the street corner and providing a more coherent frontage. This is considered to correspond well to the varied scale of the surrounding area which includes four-storey flats to the east, high rise flats to the north and a variety of different designs and heights on the northern side of Edward Street.
- 9.7. The proposal has evolved significantly since the first pre-application advice was given with the developer responding well to the feedback given in those reports. The main improvements were:
1. Pulling back the floors above ground floor from the eastern side of the proposed building to reduce the impact on neighbours to the east.
  2. Improved fenestration detailing to all elevations to provide more visual interest.
  3. Increasing the size of the communal garden to the north of the site to improve the provision of outdoor space, reduce impact on neighbours to the north, and provide increased biodiversity.
- 9.8. The proposed building would be five storeys in height but with a slightly smaller footprint than the existing building. It would be of a modern, angular design with metal and concrete materials. The ground floor would be concrete render with metal cladding above. Fenestration would provide visual interest and texture through the use of varied window shapes and sizes being introduced across the facades at different levels, including a variety of concave and convex to enhance the visual interest.



- 9.9. It is noted that this would represent a considerable change from the existing building with the introduction of a modern, visually striking building into the streetscene. This is considered acceptable due to the varied existing buildings that currently lie on the north side of Edward Street, including the locally listed Spiritualist Church adjacent and the new development at Edwards Street Quarter to the west.
- 9.10. The site lies adjacent to a locally listed heritage asset to the west and opposite the East Cliff Conservation Area to the south and as such its impact on their setting must be considered. Both the Heritage Team and Conservation Advisory Group have been consulted and not raised any significant objection to the scheme, although former noted the modern materials may have some impact on the Conservation Area beyond Edward Street to the south.
- 9.11. A condition has been added securing details of the materials to be used to ensure that they are of high quality.
- 9.12. Further, it is noted that the scheme proposes the use of metal and concrete, which is considered to be in keeping with the materials featured in the somewhat brutalist Spiritualist Church adjacent. It would replace a somewhat dilapidated, dated building which is not considered to be of any visual or design merit, and from the Conservation Area to the south would be viewed against the backdrop of the much taller Tyson Place tower block.
- 9.13. In addition, when considering the impact on heritage features, paragraph 208 of the NPPF states:  
*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 9.14. In this case, for the reasons set out above the scheme is considered to result in less than substantial harm to the nearby heritage assets, while providing a significant public benefit through the provision of an upgraded Youth Centre, making far better use of the site.
- 9.15. Overall therefore it is considered that the proposed development would not significantly harm the setting of the nearby heritage assets and East Cliff Conservation Area and comply with Policies CP15 Heritage, DM26 Conservation Areas and DM29 The Setting of Heritage Assets, as well as the NPPF
- Impact on Amenity of Neighbouring Residents**
- 9.16. Policy DM20 of the 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 and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.17. There are blocks of residential flats that lie to the north and east of the site that could be impacted negatively and this must be considered.

- 9.18. Although the proposed building would be of a greater scale and approximately 1.5m taller than the existing building, this would be mitigated by being pulled back from the boundary above ground floor level on the eastern and northern boundaries by 4m and 6m respectively. This would reduce the impact on neighbours to the north and east in terms of loss of light and outlook. It is recognised that there could be some impact on the sunlight and daylight of residents of the lower floors of flats to the north but it would not be significant given the minimal increase in scale, the flats sitting at a higher level than the application site, and fact that there would still be at least 20 metres between the buildings. The blocks of flats to the east have blank elevations facing the site so there would be minimal loss of light or outlook.

### **Ecology and Biodiversity**

- 9.19. The site is not designated for its nature conservation interest and is dominated by buildings and hard standing, with little vegetated space comprising low level planters. The existing building offers low potential for roosting bats or nesting birds. The site is unlikely to support protected species.
- 9.20. As a major application, Policy DM37 of CPP2 and BHCC's Interim Technical Advice Note on biodiversity net gain (BNG) requires the development to deliver a minimum of 10% BNG, expanding on the biodiversity enhancements required through CP10 of CPP1.
- 9.21. A landscaped community garden is proposed to the north of the site with details of this to be secured by condition. The County Ecologist has recommended the provision of swift boxes and bee bricks which would be secured by condition.
- 9.22. As noted in the response from the County Ecologists, the additional planting proposed would provide significantly more than the 10% biodiversity net gain required, given the minimal biodiversity on the site. Provided appropriate measures are implemented, the proposal can therefore be supported from an ecological perspective.

### **Transport**

- 9.23. The proposed development is located in a Key Public Transport Corridor and within a Controlled Parking Zone. Through maximising built development on the site, it would reduce on-site parking for cars from five spaces on the site to zero and introduce eighteen cycle parking spaces to both the north and south of the site.
- 9.24. There is not considered to be any significant change to the trips generated by the proposal as it remains in the same use and is a similar scale to the existing. Additionally the demographic likely to be using the building (young people) are less likely to use cars and more likely to use sustainable transport to access the services provided at the site. As such the lack of car parking is acceptable while the number of cycle parking spaces exceeds the minimum requirements of SPD14.
- 9.25. The lack of dedicated disable parking for users of the site would be regrettable but does not represent a loss of spaces as there are currently none. On-street

pay and display parking is available within 100m and resident bays for use by blue badge holders can be found in the carpark immediately to the north. While again, this is less than ideal, given the benefits of the scheme for the city and the existing .

- 9.26. Overall the proposal is considered acceptable in terms of its highways impact, subject to appropriate conditions relating to cycle parking, trip generation and delivery and servicing management.

### **Sustainability**

- 9.27. Policy CP8 Sustainable Buildings requires that all developments incorporate sustainable design features to avoid expansion of the city's ecological footprint and mitigate against and adapt to climate change.
- 9.28. CP8 sets out minimum energy and water efficiency standards required to be met for all developments:
- BREEAM 'Excellent' certification for major non-residential developments
- 9.29. An energy statement was submitted with the application and the proposal would deliver a reduction in carbon emission of 49% which would exceed both building regulations and planning policy.
- 9.30. Air source heat pumps and underfloor heating would be used for temperature control and solar panels are proposed to the roof.
- 9.31. Subject to conditions, including a requirement to meet BREEAM 'Excellent' the proposals are considered acceptable in terms of their sustainability.

### **Sustainable Drainage**

- 9.32. Additional information was submitted relating to flood risk and drainage strategy at the request of the Sustainable Drainage Team which confirms that the development site would be at low risk of flooding.
- 9.33. The report demonstrates a total restricted surface water discharge rate of 9.26 l/s for the 1 in 100-year (+45% CC) flood event which would be an 82.2% improvement on the existing situation. Further details of the Drainage Strategy can be secured via condition.

## **10. CONCLUSION**

- 10.1. The proposal is considered acceptable in principle.
- 10.2. The proposed development would provide a significantly improved space for youth services within the city. Redevelopment of the existing building would not be practical due to its age and the erection of a purpose built new building would provide significant improvements on both the design and appearance of the building and its usability and accessibility.

- 10.3. The scale/height of the development is considered acceptable in the context of the streetscene and neighbouring buildings, and impact to nearby occupiers. Sufficient space could be achieved on site for landscaping. Its impact on adjacent heritage assets is noted but would not outweigh the benefits of the scheme overall.
- 10.4. The lack of any parking on site is regrettable but would be mitigated by the demographic of people using the building and excellent sustainable transport links.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. As no change of use is proposed and the site would remain in Community Use the development is not CIL liable.

## **12. EQUALITIES**

- 12.1. The existing building is no longer fit for purpose from an accessibility point of view. The gym is the only element in the existing building that is fully accessible, and stairs are required to access all floors. The new building would provide significantly improved accessibility through a better layout, wider corridors and a lift allowing disabled access to all floors of the proposed building. The lack of accessible parking on site is regrettable but would not outweigh the benefits of the scheme in the overall planning balance.

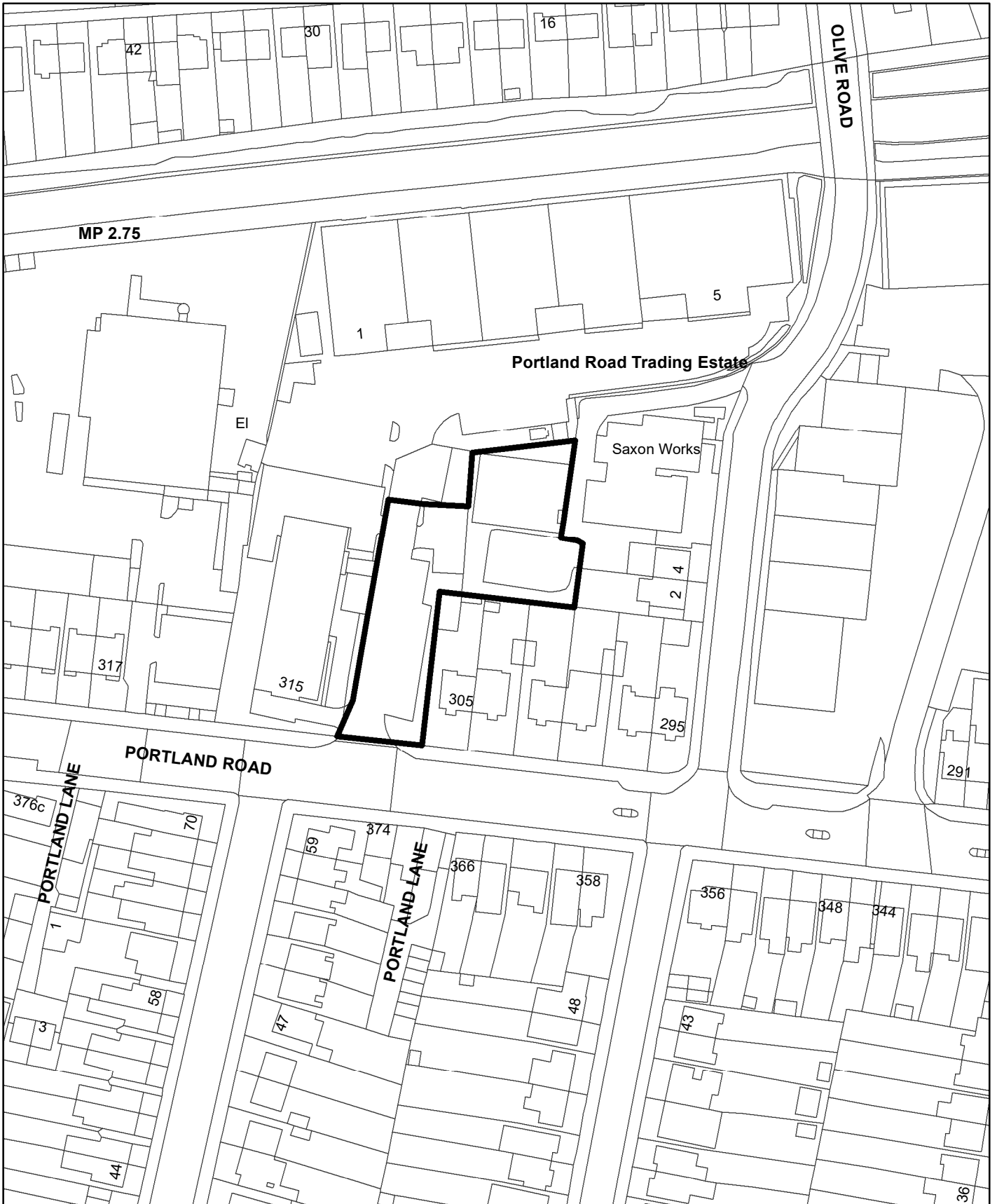
# **ITEM C**

**Saxon Works,  
Land to the Rear of 303-305 Portland Road  
BH2021/04068  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2021 04068 - Saxon Works, Land To The Rear Of 303-305 Portland Road



N



**Scale: 1:1,250**





<b>Subject:</b>	<b>Saxon Works, Land to the Rear of 303-305 Portland Road, Portland Road, Hove BN3 5SE</b>		
<b>Date of Meeting:</b>	<b>7th February 2024</b>		
<b>Report of:</b>	<b>Nicola Hurley, Interim Head of Planning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Liz Arnold</b>	<b>Tel: 01273 292170</b>
	<b>Email:</b>	<b>Liz.arnold@brighton-hove.gov.uk</b>	
<b>Ward affected:</b>	<b>Wish</b>		

## **1. PURPOSE OF THE REPORT**

- 1.1. The purpose of this report is to ask Committee Members to agree that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the terms acceptable to them, in the event of a valid appeal being submitted and the appeal being allowed.

## **2. RECOMMENDATION**

- 2.1. That the Committee agrees that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the event of a valid appeal being submitted and the appeal being allowed, based on the Head of Terms and conditions set out below.

## **3. BACKGROUND INFORMATION**

- 3.1. Application BH2021/04068 sought planning permission for the following:  
*“Demolition of existing buildings and erection of 2 to 5 storey residential building (C3) including basement vehicle parking and 3 storey commercial building comprising flexible Class E floorspace, with associated cycle and bin storage, landscaping and associated works. (For information: proposal is for 26no. residential units and 219sqm of commercial floorspace). (Revised description and drawings).”*
- 3.2. The application came before the Planning Committee on the 8<sup>th</sup> March 2023, with an officer recommendation to approve. However, members resolved to refuse the application for the following reasons:
1. *“The proposal, as a result of its scale, bulk, proximity to the site boundaries and location of balconies on the residential building, would result in an overbearing impact, overlooking and loss of privacy to the Olive Road residential properties. This is contrary to policy DM20 of the Brighton & Hove City Plan Part Two.*
  2. *The scale, bulk, and height of the proposed residential building would be out of keeping with the pattern and scale of the surrounding area. The*

*number of proposed units and the scale of the development represents an overdevelopment of the site. This is contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM19 of the Brighton & Hove City Plan Part Two, and SPD17: Urban Design Framework.”*

#### **4. PROPOSAL**

- 4.1. The Local Planning Authority is aware that the applicant is to submit an appeal against refusal of application BH2021/04068. To robustly respond to the appeal, officers need delegated authority to agree the conditions and legal agreement to be attached to the permission should it be granted.
- 4.2. This should not be taken as assuming the permission will be granted on appeal. It is a standard part of the appeal process for the appellant and planning authority to agree a suite of conditions and any legal agreement prior to the appeal being decided.
- 4.3. The conditions proposed and the Head of Terms for the legal agreement are set out below and are as per the original Officer Report to Committee.

#### **5. CONSULTATIONS**

None

#### **6. COMMENT**

- 6.1. The application has already been refused so its merits are not relevant to making this decision.
- 6.2. Members are solely requested to agree to the Head of Planning negotiating the Heads of Terms of the S106 and conditions should a valid appeal be received, and the appeal allowed.

## **Proposed Heads of Terms and Planning Conditions**

### Section 106 Head of Terms:

#### Affordable housing:

- Late stage review

#### Transport:

- Monitoring fees for travel plans

#### Employment and training opportunities:

- £11,100 contribution towards skills needs on site, pre-employment training
- for new entrants to the industry on site and apprentice placements
- Employment and Training Strategy
- Strategies for the demolition and construction phases

#### 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	A.001		17 November 2021
Proposed Drawing	D.01	N	13 October 2022
Proposed Drawing	D.02	N	13 October 2022
Proposed Drawing	D.03	N	13 October 2022
Proposed Drawing	D.04	N	13 October 2022
Proposed Drawing	D.05	O	19 October 2022
Proposed Drawing	D.06	O	19 October 2022
Proposed Drawing	D.08	M	05 October 2022
Proposed Drawing	D.09	M	05 October 2022
Proposed Drawing	D.10	N	13 October 2022
Proposed Drawing	D.020	M	05 October 2022
Proposed Drawing	D.021	N	13 October 2022
Proposed Drawing	D.022	O	19 October 2022
Proposed Drawing	D.023	N	13 October 2022
Proposed Drawing	D.024	M	05 October 2022
Existing Drawing	Layout	A	11 January 2022
Existing Drawing	001	A	11 January 2022
Existing Drawing	002	A	11 January 2022
Existing Drawing	003	A	11 January 2022
Existing Drawing	004	A	11 January 2022
Existing Drawing	005	A	11 January 2022
Existing Drawing	006	A	11 January 2022
Existing Drawing	007	A	11 January 2022
Report/Statement	Air Quality Assessment	V1	17 November 2021
Arboricultural Report	Arboricultural Impact Assessment, Method Statement and Tree Protection Plan		17 November 2021
Report/Statement	Archaeological Desk-Based Assessment	001	28 April 2022
Report/Statement	BREEAM Pre-assessment report	V1	17 November 2021
Report/Statement	Drainage Statement	A	28 April 2022
Report/Statement	Ecological Assessment		28 April 2022
Report/Statement	Land Contamination Preliminary Risk Assessment	Rev 0	17 November 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. The commercial premises hereby permitted shall only be used for a use within Use Class E(a), (c) and (g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose. Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the neighbouring occupiers, the capacity and safety of the local

highways network, and to comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM20 and DM33 of the Brighton & Hove City Plan Part Two.

4. No development above ground floor slab level of the commercial block shall take place until details to demonstrate how it would be flexible and adaptable, details of the standard of internal fit out and details of the marketing strategy have been submitted and approved in writing by the Local Planning Authority. The scheme and marketing shall be implemented in accordance with the agreed schemes.

**Reason:** To demonstrate that the commercial premises is appropriate to meet the likely needs of a range of potential end users and to ensure its successful take up in compliance with Policy DM11 of the Brighton & Hove City Plan Part Two.

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

- a) photos and product specifications of all brick (including mortar, bonding and pointing), roof coverings, lintels and finials;
- b) 1:20 scale plan and section drawings of the chalk grassland green roof, including depth of substrate and seeding mix;
- c) product specifications of all the hard landscaping materials;
- d) product specifications of the proposed window, door and terrace balustrades treatments (including the opaque panels); and
- e) 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, to deliver the biodiversity benefits of the development and to comply with Policies CP10, CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD17.

6. No development shall take place until an Ecological Design Strategy (EDS) addressing retention and protection of existing habitats during construction, habitat removal and reinstatement, provision for wildlife corridors and habitat connectivity, reptile rescue and translocation, and creation of new wildlife features (including green roofs, bird and bat boxes) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;

j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this in compliance with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.

7. Prior to any demolition works, an endoscope survey of the two potential bat roost features shall be carried out and a report containing its findings shall be submitted to and approved in writing by the Local Planning Authority. Any works necessary shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

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

8. Prior to the first occupation of the development hereby permitted, a scheme for landscaping in compliance with drawing no. D.10 Rev I received on 7 June 2022 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. schedule detailing sizes and numbers of all proposed trees including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, including some food-bearing plants, as well as the sustainable drainage system used shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- b. Details of all boundary treatments to include type / design, position, dimensions and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. 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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD06, SPD11 and SPD16.

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of

the Brighton & Hove City Plan Part One and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

10. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the fencing specified in Appendix 4 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (PJC Consultancy Ltd, dated 15 October 2021) shall be carried out in strict accordance with the approved plan and retained as such during the implementation works.  
**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 CP12 and CP13 of the Brighton & Hove City Plan Part One and DM22 of the Brighton & Hove City Plan Part Two, as well as SPD06.
11. 26 (twenty six) swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.
12. 12. A bee brick shall be incorporated within the external walls of the residential and commercial buildings hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, as well as SPD11.
13. The windows annotated with frosted glass to their lower half on the south and east-facing elevations of the development hereby permitted shall be implemented as such prior to the first occupation of the residential building and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.
14. The use of the commercial building hereby permitted shall not be carried out except between the hours of 08:00 and 18:00 on Mondays to Saturdays and between 10:00 and 16:00 Sundays, including Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the neighbouring occupiers and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
15. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

16. The development hereby permitted shall not exceed ground floor slab level until a written scheme to address ventilation and overheating has been submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and ensure that the residential units do not suffer from overheating. The approved scheme shall be implemented before occupation and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of the development, to deliver the sustainability benefits of the development and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

17. The three disabled car parking spaces for the residential occupants of the development hereby approved shall be provided in full and made available for use prior to the first occupation of the residential building and shall thereafter be retained in perpetuity.

**Reason:** To ensure that the development provides for the needs of disabled residents in compliance with Policy DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

18. Notwithstanding the site layout and parking plan shown on the approved basement plan, no residential units shall be first occupied until details of the motorcycle parking facilities for the occupants of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the residential building and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of motorcycles are provided in accordance with Policies CP9 of the Brighton & Hove City Plan Part One and DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.

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

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

20. 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 CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove City Plan Part Two.

21. Within three months of the date of first occupation of the development hereby approved, the following shall have been submitted and approved in writing by the Local Planning Authority:
- a) A Residential Travel Plan
  - b) A Commercial Travel Plan The Travel Plans shall include details of the coordinator, objectives, targets, monitoring and remedial measures. They shall thereafter be fully implemented in accordance with the approved details.

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

22. No development, including demolition, shall take place until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of demolition progress and how any complaints will be dealt with reviewed and recorded (including joining the details of considerate constructor scheme);
  - (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
  - (iii) details of hours of construction including all associated vehicular movements;
  - (iv) a plan showing construction traffic routes;
  - (v) details of any site entrances and their management, construction compound and offices;
  - (vi) details of any Department for Transport Abnormal Load Notification and/or Order; and
  - (vii) details of where staff will park when the site is under construction. The demolition works shall be carried out in accordance with the approved DEMP.

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

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

- (i) 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 joining the considerate constructor scheme);
- (ii) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
- (iii) details of hours of construction including all associated vehicular movements;
- (iv) a plan showing construction traffic routes;
- (v) details of any site entrances and their management, construction compound and offices;
- (vi) details of any oversailing of the highway construction, falsework, formwork and scaffolding;
- (vii) details of the use of any cranes, lifts, escalators and lifting vehicles;
- (viii) details of any Department for Transport Abnormal Load Notification and/or Order; and
- (ix) details of where staff and buses will park when the site is under construction. The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

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

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

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

25. The development hereby permitted shall not exceed ground floor slab level until details, including a revised Energy & Sustainability Statement and product specifications, of the Air Source Heat Pumps (ASHPs) have been submitted to and approved in writing by the Local Planning Authority. The ASHPs shall then be installed in accordance with the approved details.

**Reason:** The Exhaust ASHPs proposed are not considered an optimal solution as they may require additional heat sources, are likely to have a high power demand and are expensive to run. As such, details are required to deliver the sustainability benefits of the development, to ensure the provision of heating and hot water for each residential unit and to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.

26. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.
27. Provision within the development hereby approved shall be made to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection.  
**Reason:** To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6 and CP8 of the Brighton & Hove City Plan Part One and DM46 of the Brighton & Hove City Plan Part Two.
28. No development, including demolition and excavation, shall commence until a whole-life carbon assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policy CP8 of the Brighton & Hove City Plan Part One, as well as SPD17.
29. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
- 30.
- i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
  - ii) The development hereby permitted shall be brought into use or occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.

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

31. One wheelchair accessible dwelling within the development hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

32. Other than demolition works and works to trees the development hereby permitted shall not be commenced until the following has been submitted to and approved in writing by the Local Planning Authority:

- i) The supply of a detailed drainage design including the details and sizes of all pipes, pits and tanks proposed.
- ii) A CCTV survey of the existing sewerage system.
- iii) Written agreement from Southern Water for the connection to the Southern Water sewer.
- iv) Provision of exceedance routes in case of an exceedance event The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding, to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies CP11 of the Brighton & Hove City Plan Part One and DM40, DM42 and DM43 of the Brighton & Hove City Plan Part Two, as well as SPD16.

33.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 1075:2011+A22017; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
  - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

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

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

34. Access to the flat roofs other than the terraces hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
3. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 3900.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. Swift bricks 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.

6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 13.
8. The applicant is advised that the details of external lighting required by Condition 14 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
9. In order to be in line with Policy DM33 Safe, Sustainable and Active Travel of the Brighton & Hove City Plan Part Two 2022, cycle parking should be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well-lit, well-signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Local Highway Authority would not usually support vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. The Local Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
10. 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.
11. The water efficiency standard required under Condition 24 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.

12. 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. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
13. 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](http://www.breeam.org)).
14. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
15. Where asbestos is found / suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos>





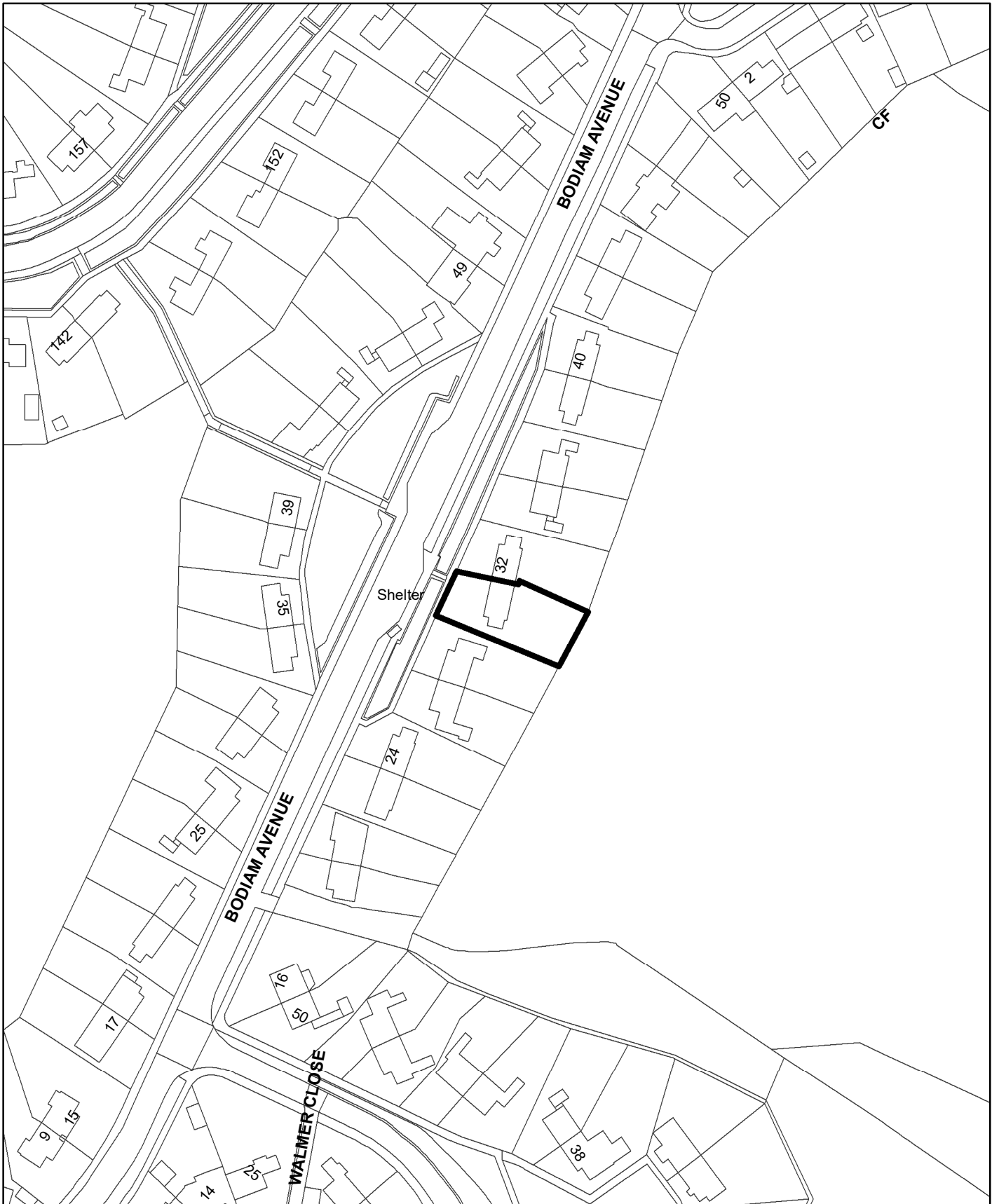
# **ITEM D**

**30 Bodiam Avenue  
BH2023/03155  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 03155 - 30 Bodiam Avenue



N



**Scale:** 1:1,250



<b><u>No:</u></b>	<b>BH2023/03155</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb &amp; Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>30 Bodiam Avenue Brighton BN2 4LQ</b>		
<b><u>Proposal:</u></b>	<b>Change of use of existing dwellinghouse (C3) to form a six-bedroom Small House in Multiple Occupation (C4), revised fenestration and the provision of bin store/cycle storage.</b>		
<b><u>Officer:</u></b>	Alice Johnson, Tel: 296568	<b><u>Valid Date:</u></b>	13.12.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	07.02.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Rivers Birtwell 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01		28 November 2023
Proposed Drawing	02	A	23 January 2024

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

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

3. The proposed windows are to be UPVC white.

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

4. The C4 HMO use hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans and shall be retained as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).

**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

5. 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.

6. The use hereby permitted shall not come into use until the soundproofing measures (internal and external) shown on the approved drawings have been implemented. The soundproofing shall be retained thereafter.

**Reason:** To safeguard the amenities of occupiers of no. 32 Bodiam Avenue and to comply with policy QD27 of the Brighton and Hove Local Plan.

7. Notwithstanding the details submitted, the development hereby permitted shall not be occupied until a details of the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full prior to occupation.

**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

Informatives:

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

## 2. SITE LOCATION

- 2.1. This application relates to a two storey semi-detached building, located on the eastern side of Bodiam Avenue in Bevendean. The property has a front and rear garden, and has a single storey, flat-roofed element attached to the side (southern) elevation.
- 2.2. The property is currently in use as a dwellinghouse.
- 2.3. There is an Article 4 Direction in place restricting the conversion of single dwellinghouses (C3) to small houses in multiple occupation (C4) without express planning permission.

### 3. RELEVANT HISTORY

- 3.1. **PRE2023/00185** Change of use from (C3) dwelling to (C4) small HMO. Supportable subject to acceptability of the internal layout
- 3.2. **BH2018/02627** Change of use from residential dwelling (C3) to small house in multiple occupation (C4) with cycle stands to front elevation, revised fenestration and other associated works. Withdrawn

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to change the use of the existing dwellinghouse (planning use class C3) to form a six bedroom small House in Multiple Occupation (HMO)(planning use class C4), along with revised fenestration and the provision of bin store/cycle storage.
- 4.2. Amendments have been made to the plans showing the proposed windows to be altered and clarifying the material.

### 5. REPRESENTATIONS

- 5.1. **Twenty three (23)** representations have been received, objecting to the proposal on the following grounds:
- Additional traffic and lack of parking.
  - Overdevelopment and too close to boundary.
  - Previous application refused due to objections.
  - Bevendean is oversaturated with HMOs, family homes are needed;
  - Lack of need - universities are building purpose built student accommodation.
  - Impact on community and character of area;
  - Noise.
  - Poor design including additional windows.
  - HMO present at no.63.
  - The property was being considered from a buyback scheme.
  - Impact on local school, healthcare provision and businesses.
  - Anti-social behaviour and lack of maintenance of property if in HMO use
  - Concerns about the decision making process/ conflict of interest
  - The neighbourhood concentration map is incorrect.
  - Poor standard of accommodation and lack of double bedrooms.
  - Building works will be disruptive.
  - Concerns about energy cost efficiency.
  - Detrimental impact on property value.
- 5.2. Councillor's comments: a copy of the representation from **Councillor Taylor** is attached.

- 5.3. Full details of consultation responses can be found on the planning register online.

## 6. CONSULTATIONS

### 6.1. **Transport** (Verbal) No objection

The applicant proposes 4 cycle parking spaces at the front garden. This is in accordance with the minimum required by SPD14. It is noted that the access to the cycle storage is stepped and this is not considered ideal however, due to the level of this property/location we would wish not to object.

- The proposed change of use from a dwelling house to a small HMO are likely to increase the number of trips to the location however, these are unlikely to be significant enough to object.

### 6.2. **Policy Comment**

Policy comments not required.

### 6.3. **Private Sector Housing Comment**

Should the application be approved then the applicant will have to apply for a HMO Licence. This can be done on-line via the council's website.

## 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. POLICIES

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation



Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing, Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:

SPD14	Parking Standards
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## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use is supported in principle, the standard of accommodation, design and appearance and the impacts of the development on neighbour amenity and transport matters.

**Principle of Development:**

- 9.2. Concerns have been raised in the representations received that the proposed development would lead to the loss of a family home to the detriment of the character of the area. Policy CP21 of City Plan Part 1 (CPP1) and DM7 of City Plan Part 2 (CPP2) limit the proportion of HMOs in an area, with the stated intention of ensuring health and inclusive communities are maintained, preventing a significant change in character for an area.
- 9.3. It is not reasonable to resist the change of use from single C3 dwellinghouses to HMOs in principle, with such schemes to be considered on a case-by-case basis, including against these key policies. Although a certain type of housing is lost, HMO-based accommodation also contributes to the housing stock of the city for those unable to afford their own dwelling.
- 9.4. Policy CP21 specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.5. A mapping exercise has been undertaken which indicates that there are 17 properties within a 50m radius of the application property, none of which has been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.

- 9.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a four-bedroom HMO (C4 use) would not conflict with the aims of policy CP21.
- 9.7. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:  
*"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
  - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
  - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
  - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
  - e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.8. In relation to criterion a), the percentage of dwellings in the wider neighbourhood area has been calculated at 5.6%. The neighbourhood area includes HMOs on Walmer Crescent, Bamford Close, Bodiam Close and Bodiam Avenue. Unlicensed HMOs or unlawful HMOs are not included in these calculations, including some identified in representations. The proposal therefore meets criterion a).
- 9.9. The area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs (criterion b)), and would not lead to a continuous frontage of three or more HMOs (criterion c)). Considerations regarding amenity space and communal living (criteria d) and e)) are set out below.
- 9.10. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1.

### **Design and Appearance**

- 9.11. The applicant has confirmed that all windows are to be replaced with white uPVC which would be secured by condition. It is acknowledged that the original plans say the windows are to match the existing, however there is a mix of material fenestration on the property, including aluminium and uPVC. Furthermore, the replacement of the existing white aluminium windows with white uPVC would be 'permitted development' so would not require a planning application. The proposed materials would be in keeping with the uPVC in the streetscene and would ensure all windows on the property match. The windows do not presently match those on the adjoining semi-detached dwelling so the change is not considered to have any impact.

- 9.12. A bike store is proposed to the front elevation, with the bins stored behind it. The cycle store would have a mono-pitched roof, timber shiplap cladding and a felt roof. The store is low level in nature compared to the host dwelling, and with a maximum height of 1.6m, it would not appear dominant or be detrimental to the streetscene given this limited size. The Transport Officer has confirmed the acceptability of the store. A condition securing the implementation of the store prior to occupation, has been recommended.
- 9.13. It is acknowledged that the cycle store would be on sloped land. Some land level change may be required, this would is not considered to be significant.
- 9.14. Further details are required to confirm the acceptability for the storage of refuse and recycling, a condition to secure this has been recommended.

**Standard of Accommodation:**

- 9.15. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standards (NDSS) into the development plan. The requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.
- 9.16. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm
- 9.17. The proposal would result in a property in HMO use with six bedrooms and to be occupied by a maximum of six persons. As six is the maximum number of occupiers a C4 HMO can accommodate without requiring a planning application to change the use, no condition is required in this case to restrict the number of occupiers.
- 9.18. The ground floor would have two bedrooms, each for one person, each measuring 7.8sqm, with a bathroom and kitchen/communal/dining space (24.8sqm) to the rear. This would meet the requirements of DM7 for communal space for six people which requires 4sqm of floor area to be provided per occupant.
- 9.19. At first floor there would be four further single bedrooms each measuring 7.9sqm. All of the bedrooms would meet the minimum width requirement of 2.15m at full height, with additional areas under the sloping roofline of restricted head height. While DM1 requires a double bedroom to be provided, the property is considered to provide suitable space for single occupants within a HMO use. The requirement for a double bedroom becomes more pertinent when a proposal relates to a family dwelling.
- 9.20. Concerns have been raised in objections that the required floor space of DM1 has not been provided. The application is for six single occupancy rooms and the requirements for these rooms has been met in terms of size, width, outlook and natural lighting. It is considered that the bedrooms are all large enough to

comfortably accommodate standard furniture (bed, desk, chair and storage furniture) with ample circulation space for an occupant to move around. Each of the bedrooms and communal spaces would have windows which would provide outlook, natural light and ventilation to future occupiers. The communal spaces are similarly served in relation to outlook, natural light and ventilation.

- 9.21. A condition is recommended to secure the proposed layout with the communal area safeguarded from future conversions to bedrooms without further approval from the LPA.
- 9.22. To the rear of the property there is a garden, which is considered suitable in size for the level of occupation, in accordance with Policy DM1.
- 9.23. Overall, it is considered that the proposed layout of the property as a small HMO (six persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with Policies DM1 and DM7 of the City Plan Part Two.

Impact on Residential Amenity:

- 9.24. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.25. The replacement and enlargement of the windows to the front elevation would not result in any increase in overlooking. Alterations to the front to change the southern (side) elevation door to a window would provide more of a view of the streetscene, a non-private area, with no additional impact on neighbouring amenity anticipated. Alterations to the rear ground floor door and window would set the door/window further away from the boundary, and replacing the door with a window would reduce the rear glazing area.
- 9.26. The concerns about the potential for antisocial behaviour raised in objections received are noted. However they make assumptions about the behaviours of individuals occupying a HMO compared with those occupying a family home which could equally cause disruption. Antisocial behaviour is more appropriately managed through other regimes such as via the Police.
- 9.27. Concerns have been raised regarding the potential noise output of the HMO. Internal soundproofing measures are proposed along the party wall which should manage sound transmission and mitigate the potential for harm. It is not considered that the use of the HMO in principle would lead to significant increased in noise output that would warrant permission being withheld. The implementation of the proposed soundproofing prior to occupation has been secured by condition. General noise disturbance can also be managed through other regimes such as the Environmental Health Team.

Other Matters

- 9.28. Concerns have been raised that the proposed development would have an unacceptable impact on the local highway due to increased occupancy and associated vehicles requiring parking spaces. The site does not lie within a controlled parked zone, and there is free on-street parking available. The proposed site layout shows a total of four secure cycle parking spaces. These numbers are in accordance with the guidance in Supplementary Planning Document 14: Parking Standards and there is no objection in principle. Therefore, the Local Highway Authority has limited power to restrict parking, and this would not be reasonable grounds to withhold planning permission.
- 9.29. Concerns raised about the buy-back scheme, local school, healthcare provision and businesses are not material planning considerations.
- 9.30. An objection requested all comments on HMO applications in the area be added to this application. Applications and their comments are assessed on a case by case basis and procedure does not allow for comments from previous applications to be added to new applications.
- 9.31. There is an identified shortage of housing within the city. HMOs are not exclusively let to students; therefore the presence of purpose-built student accommodation in the wider area does not remove the need for this type of shared accommodation, which can be occupied by young professionals and others unable to afford private accommodation.
- 9.32. Objections have raised concerns about the decision-making process. This application has followed the correct process and procedures, including consultation with the public.
- 9.33. The management and upkeep of the HMO is not a material planning consideration as planning permission runs with the site, so this has not been assessed as part of this application.
- 9.34. Matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations.
- 9.35. Concerns about the method by which the owner would communicate energy use to tenants has been raised; this is not a material planning consideration.

#### Conclusion

- 9.36. The proposed development is considered to be acceptable in principle, in terms of the standard of accommodation that would be offered to residents, its appearance, and the impacts it is anticipated to have on the amenities of local residents and on highway safety. The proposal is considered to be in accordance with policies CP8, CP11, CP12 and CP21 of the Brighton and Hove City Plan Part One, and DM1, DM7, DM18, DM20, DM21, DM33, DM35, DM36, DM40, DM43 and DM44 of the City Plan Part Two.

## **10. EQUALITIES**

- 10.1. 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. There is no indication that those with any of these protected characteristic would be disadvantaged by this development.

## **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.



PLANNING COMMITTEE LIST

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

**Cllr. Jacob Taylor**  
**BH2023/03155 – 30 Bodiam Avenue**

**20/12/23:**

Comment Reasons:

- Detrimental affect on property value
- Noise
- Overdevelopment

Comment: We really, really need retain family homes in Brighton and this area in particular. Not another HMO - we need to bring families back to the city!





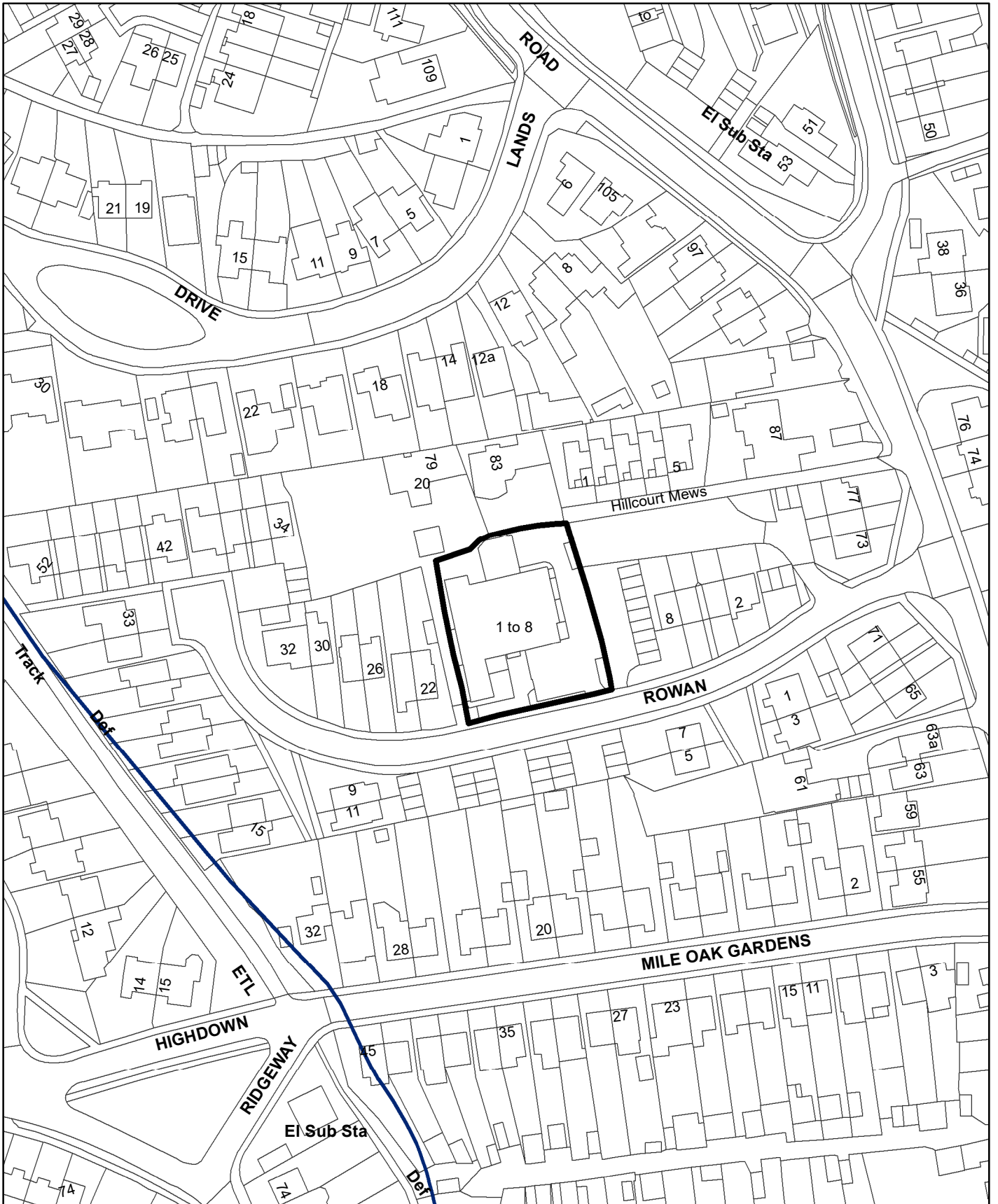
# **ITEM E**

**Rowan House, 12 Rowan Close  
BH2023/02647  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 02647 - Rowan House, 12 Rowan Close



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Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02647</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rowan House 12 Rowan Close Portslade BN41 2PT</b>		
<b><u>Proposal:</u></b>	<b>Erection of additional storey to provide 2no two-bedroom flats (C3) with associated alterations to ground level external refuse and cycle provision.</b>		
<b><u>Officer:</u></b>	<b>Helen Hobbs, tel: 290585</b>	<b><u>Valid Date:</u></b>	<b>03.10.2023</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>28.11.2023</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Appleby Architects Elsewhere Crowborough TN6 3HF</b>		
<b><u>Applicant:</u></b>	<b>Rowan House (BN41) Limited 50 Tuan Road London SE18 2QU</b>		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	001	P1	29 September 2023
Proposed Drawing	002	P2	28 November 2023
Proposed Drawing	011	P1	29 September 2023
Proposed Drawing	012	P1	29 September 2023
Proposed Drawing	013	P1	29 September 2023
Proposed Drawing	021	P1	29 September 2023
Proposed Drawing	022	P1	29 September 2023
Proposed Drawing	023	P1	29 September 2023
Proposed Drawing	024	P1	29 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. 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.

4. Access to the flat roof areas, other than the terrace areas as shown on drawing no. 22312 012 P1 hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

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

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

6. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

7. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.

**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.

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

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

9. 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.

10. The development hereby permitted shall incorporate at least four (4) 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. SITE LOCATION

- 2.1. The application relates to a former light industrial unit that was converted into nine flats (see Relevant History below). It is a two storey flat-roofed block with a two storey pitched roof front projecting element. It has the appearance of a modern building with white rendered elevations and grey windows and detailing. The building is located on the north side of Rowan Avenue and is located within a predominantly residential area, with two storey dwellings either side, two and three storey dwellings behind and residential garage plots opposite. The site contains 10 car parking spaces currently.

## 3. RELEVANT HISTORY

- 3.1. **PRE2023/00020** Construction of a single storey rooftop extension to an existing two storey residential development to provide 2 no two bed units. The response was issued on 04.05.2023 and a summary of the advice is listed below:
- 3.2. The principle of an existing storey, which is set in from the edges of the building to minimise its visibility is considered acceptable in terms of its design and visual impact on the existing building and the surrounding area. The materials used should closely match the existing. Consideration should be given to the arrangement of windows to ensure no harmful overlooking occurs. Further consideration should be given to the car parking layout, soft landscaping and impact on existing trees on site as well as whether the site can provide any roof terraces to provide outdoor amenity space for the units that would not impact on neighbouring amenity.

- 3.3. **BH2014/03663** Outline application for erection of 4no semi-detached houses. Refused 22.12.2014.
- 3.4. **BH2013/03077** Outline application for erection of 4no semi-detached houses. Refused 06.11.2013.
- 3.5. **BH2012/04084** Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013.

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

- 4.1. The application seeks permission for the erection of an additional storey to the building to provide 2 no. two bedroom flats.

#### **5. REPRESENTATIONS**

- 5.1. Twelve (12) letters have been received objecting to the proposed development for the following reasons:
- Overdevelopment
  - Out of character
  - Pressure on local services such as schools, GPs and other community amenities
  - Increase in parking
  - Road safety
  - Increase in noise and disturbance
  - Environmental impact from construction process
  - Structural concerns
  - Impact on sewerage
  - Property value
  - Overshadowing
  - Loss of privacy
  - Additional bins causing smells

#### **6. CONSULTATIONS**

Internal:

- 6.1. **Private Sector Housing:** No comment

- 6.2. **Sustainable Transport:** Comment

Amended plans have been received which address the initial objection from the Transport Officer. These amendments show that the on street parking bays that were being proposed by the applicant have been removed from the plans.



- 6.3. Conditions should be attached relating to the retention of the existing car parking area and cycle parking.

External:

- 6.4. **Southern Water: Comment**

The location of the existing foul sewer within the site should be determined by the applicant in consultation with Southern Water. A formal application is required by the applicant for connection to the public sewer, to be made by the applicant or the developer.

## **7. MATERIAL CONSIDERATIONS**

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

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relates to the impact on the character and appearance of the site, streetscene and the surrounding area, impact on neighbouring amenity, impact on highways, standard of accommodation and biodiversity issues.

**Principle of the Development:**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. 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. 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. The net increase of two additional residential units on the site would therefore make a small but positive contribution to the City's housing target.
- 9.5. City Plan Policies CP14 and DM19 encourage effective use of sites and there is no objection in principle to increasing the density on this site.

**Design and Appearance:**

- 9.6. 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.
- 9.7. The additional storey would have a maximum height of approximately 2.9m with a flat roof and would be set in from the edges of the main building below. It would be constructed using grey cladding on the elevations and grey roofing felt with the fenestration detailing to closely match the appearance of the windows and doors on the existing building. Balustrading would be positioned around the perimeter of the roof and constructed from aluminium uprights and hand rails with glazed infill panels.
- 9.8. Whilst the majority of neighbouring development is two storey in height, it is somewhat varied in character and appearance, and there are examples of three-storey development (in Hillcourt Mews behind the site). The existing building is

already an anomaly due to its scale, spacious plot and its nature as a block of flats. A further modest extension to the building would therefore be considered acceptable and would not result in an overdevelopment of the site.

- 9.9. The proposed additional storey, due to it having a flat roof and being set in from the edges of the building, would remain a subservient addition and would not appear overly dominant within the streetscene. The proposed materials and appearance would closely match the style and design of the building below which helps to integrate the additional massing above roof level. Even when viewed from long views from the eastern end of Rowan Close and around the junction with Mile oak Road, the proposed development would not appear overly dominant.
- 9.10. The glazed balustrading, due to its positioning around the perimeter of the building, would be visible from the streetscene, however given its height and visually unobtrusive materials, it would not form an overly prominent feature.
- 9.11. The proposal is therefore considered to accord with relevant policies.

**Impact on Amenity:**

- 9.12. 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 material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.13. The site is bordered by a number of residential properties to the north, east and west of the site. The closest property is no. 22 Rowan Close, which is located alongside the western boundary of the site. The additional storey would be set in by approximately 3.5m from the edge of the main building. The separation distance and spacing between the two plots would ensure that the proposal would not be unduly overbearing or result in any significant loss of light or outlook to No. 22 or its rear garden area.
- 9.14. To the north, the proposed extension would be set back from the edges of the block and the closest part of the extension would be separated from the residential dwellings by over 16m, and the main application site is set lower. To the east the separation distances are greater with over 24m as well as being separated by the on-site car park and a row of single storey domestic garages. The scale and massing of the extension is therefore unlikely to significantly impact on these adjoining properties, in terms of loss of outlook, light or overshadowing.
- 9.15. Window openings would be positioned in all elevations of the extension. Due to the separation distances to the north, south and east, these openings would not result in any significant loss of privacy or overlooking and would provide a similar outlook to the windows on the elevations below.
- 9.16. There would be two new window openings facing west, towards No. 22 Rowan Close, but these would be set back 3.5m from the roof edge so any views largely be over the flat roof of Rowan House.

- 9.17. To further protect the amenity of adjoining properties, a condition will be attached to ensure that access to the external flat roof areas, apart from the modest south facing terrace areas, are for maintenance only and do not form additional outdoor amenity spaces.
- 9.18. Overall, it is considered that the development would not result in any significant harm to neighbouring amenity, in compliance with policy DM20.

**Standard of Accommodation:**

- 9.19. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.20. The flats would measure 98m<sup>2</sup> and 94m<sup>2</sup> and would both provide two bedrooms for up to four people. The size of the units exceed the minimum space standard as outlined in policy DM1. Both flats would have a good layout and all rooms would be provided with satisfactory levels of light and outlook.
- 9.21. Small outdoor terrace areas are positioned on the southern side of the building, and provide welcome external amenity space in line with policy DM1. The scale and positioning of these terraces are considered acceptable and proportionate for the size of the residential units. Furthermore, if larger terraces were provided they would be likely to adversely impact on neighbouring properties.
- 9.22. Refuse/ recycling facilities have been shown on the plans. However further information is required and a condition will be attached to secure these details.

Landscaping:

- 9.23. The existing site does not contain a lot of planting or greenery. It is proposed to retain the areas of planting at the front of the site and alongside the access into the car parking area. Towards the rear of the car parking area, a small area of planting is to be lost to allow the additional refuse and recycling facilities and the larger cycle store. This area contains one small acer tree which was planted as part of the approved landscaping scheme in 2015 under the application BH2012/04084 which approved the conversion of the main building. Whilst it is regrettable to lose this area and newly planted tree, it is not considered so harmful to the visual amenity of the site to warrant refusal on this basis.

**Sustainable Transport:**

- 9.24. City Plan policies seek to ensure highway safety and seek to encourage use of sustainable modes of transport. Parking standards are set out on SPD14.
- 9.25. The proposals would not alter the existing access into the site. The existing car parking area contains 10 car parking spaces including 1 disabled parking bay.

No alterations to the parking layout are proposed. A condition will be attached to ensure that the car park is retained.

- 9.26. The application does include redesigning the existing cycle store to provide an addition 2 spaces, and is located next to the redesigned refuse store. The transport officer has raised some concerns about the feasibility of the re design of these areas due to the space constraints on site. Further details will therefore be secured by condition for both the refuse and recycling store and the cycling store, to ensure that they are both acceptable.
- 9.27. The proposal would result in a slight increase in trips to and from the site, however the increase is not considered significant.
- 9.28. The site is not located within a Controlled Parking Zone. The applicant has provided a parking survey to determine on-street capacity. The parking beat data shows that there would be sufficient capacity on Rowan Close and Mile Oak Road to accommodate 2-3 additional cars that may be generated by the proposed development.

**Sustainability:**

- 9.29. Energy and water efficiency standards in accordance with Policy CP8 and Policy DM44 can be secured through suitably worded recommended conditions.

**Other Considerations**

- 9.30. A condition requiring at least one bee brick and swift brick/boxes has been attached to improve ecology outcomes on the site in accordance with City Plan Policies CP10 and DM37 and Supplementary Planning Document SPD11 Nature Conservation and Development.

**10. COMMUNITY INFRASTRUCTURE LEVY**

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

**11. EQUALITIES**

- 11.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

- 11.2. There would be no lift access to the proposed flats, however, given the proposal is an extension to an existing building which has no lift and is thus constrained, this is acceptable.

# **ITEM F**

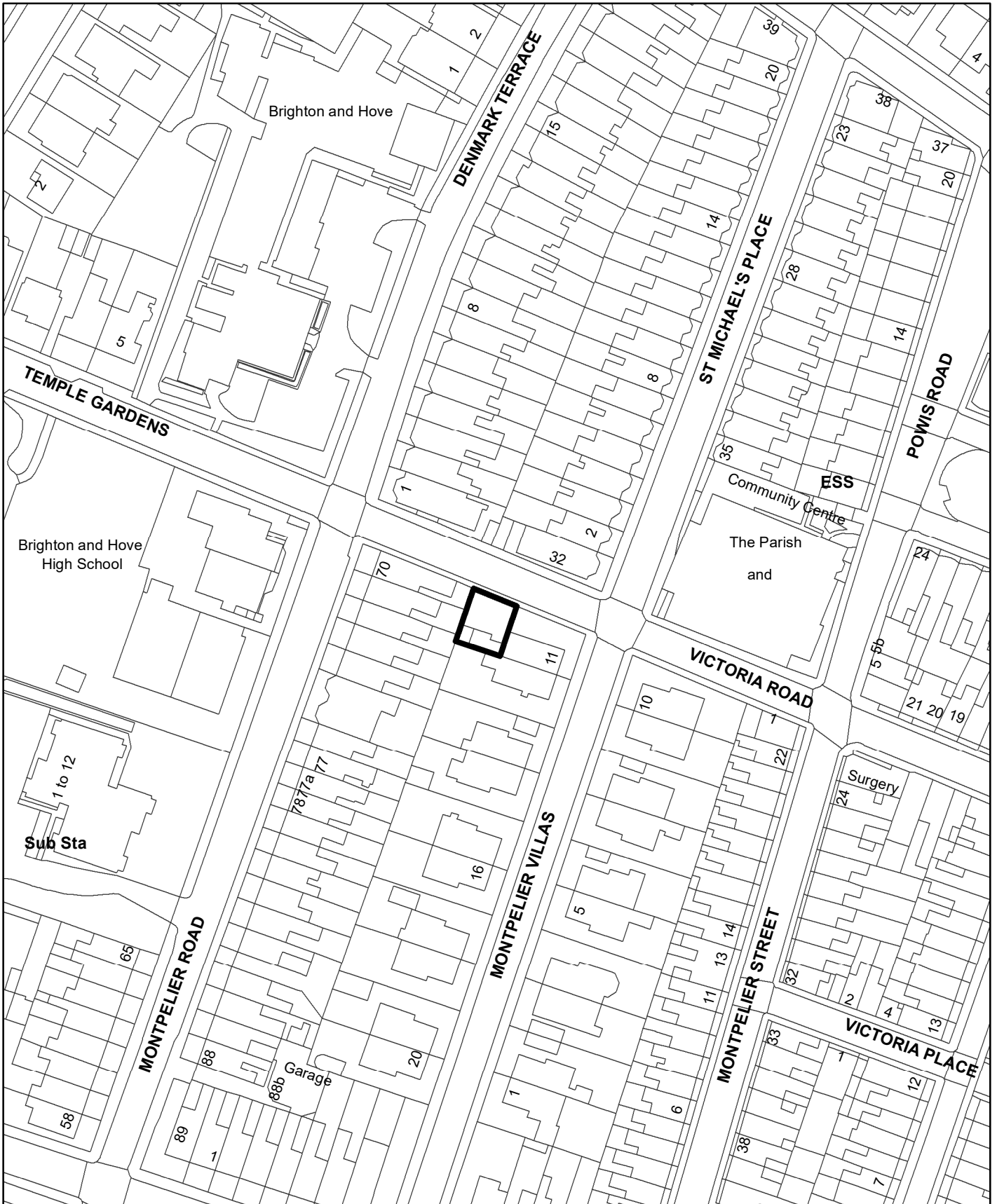
**The Garden Villa, 11C Montpelier Villas  
BH2023/03066  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**





# BH2023 03066 - The Garden Villa, 11C Montpelier Villas



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Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/03066</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>The Garden Villa 11C Montpelier Villas Brighton BN1 3DG</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension at first floor level.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel: <b><u>Valid Date:</u></b>	21.11.2023
<b><u>Con Area:</u></b>	Montpelier and Clifton Hill	<b><u>Expiry Date:</u></b>	16.01.2024
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Ray Bullock 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 **REFUSE** planning permission for the following reasons:

1. The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.
2. The extension represents an overdevelopment of the site which would result in the first-floor extension rising on the rear boundary of the site. This would be visually imposing and would cause an increased sense of enclosure for the occupiers of the flats in 71 and 72 Montpelier Road. The proposal would conflict with policy DM20 of the Brighton and Hove City Plan Part 2.

### Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	2209/P/001		21 November 2023
Proposed Drawing	2209/P/101		21 November 2023
Proposed Drawing	2209/P/102		21 November 2023
Proposed Drawing	2209/P/103		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/201		21 November 2023

## 2. SITE LOCATION

- 2.1. 11C Montpelier Villas is an 1840s grade II listed building in the Montpelier and Clifton Hill Conservation Area on the corner of Montpelier Villas and Victoria Road. No. 11 forms half of a pair of villas, with No 12 and fronts on to Victoria Road. Pairs of dwellings (Nos. 1-20) line the street on both sides of Montpelier Villas. They are all two storey plus lower ground, white stuccoed substantial semi-detached houses with banded rustications on the upper ground floors and bow windows with curved glass on the lower and upper ground floors, the upper ground floor having a balcony with balustrade and zinc canopy above.
- 2.2. The principal significance of 11C is its impact on the listed house to which it is attached and the intact architectural details and its impact on the hierarchy and scale of the original parts of No. 11, these pairs, and their contribution to the group value of the street frontages which is dominated by these imposing early Victorian villas. The extension also has the potential to affect the setting of the grade II listed terrace 70-74 Montpelier Road to the west and its significance.

## 3. RELEVANT HISTORY

- 3.1. **BH2023/03067** Erection of single storey side extension at first floor level. Concurrent Listed Building Consent application under consideration
- 3.2. **BH2022/03078** (Planning Application): Erection of single storey side extension at first floor level. Refused 27.03.2023
- 3.3. **BH2022/03079** (Listed Building Consent): Erection of single storey side extension at first floor level. Refused 27.03.2023

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a flat-roofed single storey side extension at first floor level over an existing ground floor extension to create a master bedroom with en-suite and dressing room. The extension would be to the west of the dwelling which fronts Victoria Road, and would abut the rear of dwellings on Montpelier Road.

## 5. REPRESENTATIONS

- 5.1. Eleven (11) letters have been received in support of the application for the following reasons:
- The extension would complete the elevation and give it a better balance
  - It would enhance the Montpelier neighbourhood
- 5.2. A letter neither supporting nor objecting to the proposed development has raised the following:
- Potential damage to trees
  - Damage/disruption during the construction process

## 6. CONSULTATIONS

- 6.1. **Heritage 08.01.2024 Objection**  
This application is for an extension that is the same as a previously refused application (BH2022/03078 & BH2022/03079) The scale of the addition will enlarge the two-storey extension. This would result in the extension becoming barely subordinate in scale to the original building. The building has already been considerably enlarged. The extension already occupies all of what was originally the rear garden. Therefore, the current extent of the building should be regarded as having reached its limit. This current proposal does not change any of the reasons why that application was refused. There is still no public benefit for this application in heritage terms.
- 6.2. **Conservation Advisory Group 09.01.2024 Objection**
- Light will be blocked to the rear gardens of Montpelier Road.
  - There will be overlooking issues.
  - The Group supports all the comments made in the Heritage Officer's recommendation to refuse.

## 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
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

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

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

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

- 8.1. Montpelier and Clifton Hill Conservation Character Statement

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact on the Grade II listed building and the Montpelier and Clifton Hill Conservation Area; and any impact on the residential amenity of neighbouring occupiers.
- 9.2. In considering whether to grant planning permission for works to a listed building the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

### Impact on Character or Appearance and Heritage Assets:

- 9.4. The application follows a previously refused scheme for exactly the same extension (BH2022/03078 & BH2022/03079). The first reason for refusal was as follows:  
*“The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.”*
- 9.5. The reason for the refusal of the previous application has not been addressed in the current application. No amendments have been made to the refused scheme so the works are still considered to cause harm to 11 Montpelier Villas, the setting of 70 and 71, and to undermine the historic significance of these buildings and the wider Montpelier and Clifton Hill Conservation Area. As there is no public benefit to outweigh this harm, the development is not considered to be acceptable under paragraph 202 of the NPPF and conflicts with policy CP12 of the CPP1 and DM26 and DM27 of the CPP2.
- 9.6. It is acknowledged that a significant number of letters of support have been received for this application, and the issues raised are given weight. However, it is considered by the Local Planning Authority that the development would cause clear harm to the listed building, adjoining heritage assets and the wider Montpelier and Clifton Hill Conservation Area and therefore planning permission should be withheld.
- Impact on Residential Amenity:
- 9.7. In regard to amenity, the second reason for refusal of the previous application (BH2022 03078) was as follows:  
*“The extension represents an overdevelopment of the site which would result in the first-floor extension rising on the rear boundary of the site. This would be visually imposing, causing an increased sense of enclosure, overshadowing and loss of light for the occupiers of the flats in 70 and 71 Montpelier Road. The proposal would conflict with policy DM20 of the Brighton and Hove City Plan Part 2.”*
- 9.8. Despite the design of the proposal remaining the same, this reason for refusal has been partly addressed in the current application by the submission of a Daylight, Sunlight and Overshadowing Report. The Report demonstrates that there would be minor overshadowing to the garden of 70 Montpelier Road but would not affect the windows, and there would be a negligible impact on daylight, sunlight and overshadowing to 71 and 72 Montpelier Road.
- 9.9. Despite this, the development would still result in additional built form adjacent to the rear boundary of the property, abutting the gardens of dwellings on Montpelier Road. This would have the most impact on the flats in 71 and 72

Montpelier Road which have rear windows facing the application site. Arguably these windows are already impacted by the flank wall of 11c Montpelier Villas rising on the boundary at ground floor level. However, the development would result in a worsening of the existing situation by increasing the bulk, resulting in a featureless two-storey flank wall rising on the rear boundary with no visual relief. This would be visually imposing and would cause an unacceptable increased sense of enclosure for occupiers of the flats. The development would harm the living conditions of the adjoining occupiers which would be contrary to policy to DM20 of CPP2.

Other Matters

- 9.10. A representation has been received in relation to a mature tree in the vicinity of the development. If this application was otherwise considered acceptable, a survey would have been requested and, where necessary, relevant tree protection measures would have been secured by condition.

**10. EQUALITIES**

- 10.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.



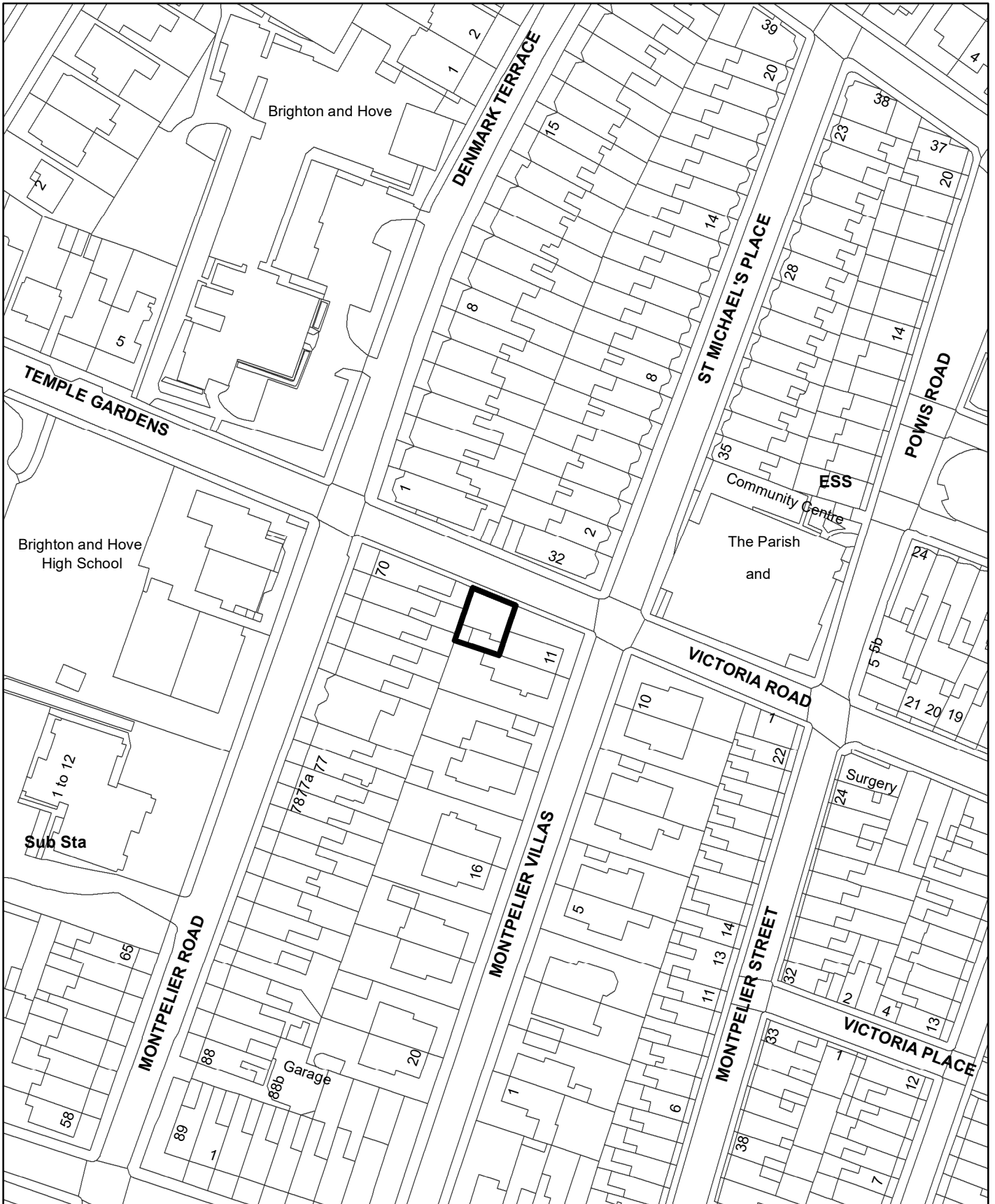
# **ITEM G**

**The Garden Villa, 11C Montpelier Villas  
BH2023/03066  
Listed Building Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 03067 - The Garden Villa, 11C Montpelier Villas



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/03067</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The Garden Villa 11C Montpelier Villas Brighton BN1 3DG</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension at first floor level.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 292193	<b><u>Valid Date:</u></b>	21.11.2023
<b><u>Con Area:</u></b>	Montpelier and Clifton Hill	<b><u>Expiry Date:</u></b>	16.01.2024
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<b><u>Applicant:</u></b>	Mr Ray Bullock 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 **REFUSE** Listed Building Consent for the following reasons.

1. The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.

### Informatives:

1. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2209/P/001		21 November 2023
Proposed Drawing	2209/P/101		21 November 2023
Proposed Drawing	2209/P/102		21 November 2023
Proposed Drawing	2209/P/103		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/201		21 November 2023

## 2. SITE LOCATION

- 2.1. 11C Montpelier Villas is an 1840s grade II listed building in the Montpelier and Clifton Hill Conservation Area on the corner of Montpelier Villas and Victoria Road. No. 11 forms half of a pair of villas with No 12 and fronts on to Victoria Road. Pairs of dwellings (Nos. 1-20) line the street on both sides of Montpelier Villas. They are all two storey plus lower ground, white stuccoed substantial semi-detached houses with banded rustications on the upper ground floors and bow windows with curved glass on the lower and upper ground floors, the upper ground floor having a balcony with balustrade and zinc canopy above.
- 2.2. The principal significance of 11C is its impact on the listed house to which it is attached and the intact architectural details and its impact on the hierarchy and scale of the original parts of No. 11, these pairs, and their contribution to the group value of the street frontages which is dominated by these imposing early Victorian villas. The extension also has the potential to affect the setting of the grade II listed terrace 70-74 Montpelier Road to the west and its significance.

### **3. RELEVANT HISTORY**

- 3.1. **BH2023/03066** Erection of single storey side extension at first floor level. Concurrent Householder Planning Consent application under consideration
- 3.2. **BH2022/03078** (Planning Application): Erection of single storey side extension at first floor level. Refused 27.03.2023
- 3.3. **BH2022/03079** (Listed Building Consent): Erection of single storey side extension at first floor level. Refused 27.03.2023

### **4. APPLICATION DESCRIPTION**

- 4.1. Listed building consent is sought for the erection of a flat-roofed single storey side extension at first floor level over an existing ground floor extension to create a master bedroom with en-suite and dressing room. The extension would be to the west of the dwelling which fronts Victoria Road, and would abut the rear of dwellings on Montpelier Road.

### **5. REPRESENTATIONS**

- 5.1. Nine (9) letters have been received in support of the application for the following reasons:
  - The extension would complete the elevation and give it a better balance
  - It would enhance the Montpelier neighbourhood

### **6. CONSULTATIONS**

- 6.1. **Heritage 08.01.2024** Objection

- 6.2. This application is for an extension that is the same as a previously refused application (BH2022/03078 & BH2022/03079) The scale of the addition will enlarge the two-storey extension. This would result in the extension becoming barely subordinate in scale to the original building. The building has already been considerably enlarged. The extension already occupies all of what was originally the rear garden. Therefore, the current extent of the building should be regarded as having reached its limit. This current proposal does not change any of the reasons why that application was refused. There is still no public benefit for this application in heritage terms.
- 6.3. Conservation Advisory Group 09.01.2024 Objection
- Light will be blocked to the rear gardens of Montpelier Road.
  - There will be overlooking issues.
  - The Group supports all the comments made in the Heritage Officer's recommendation to refuse.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019)
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1           Presumption in Favour of Sustainable Development  
 CP15         Heritage

#### Brighton & Hove City Plan Part Two

DM26         Conservation Areas  
 DM27         Listed Buildings

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations  
SPD09 Architectural Features

Montpelier and Clifton Hill Conservation Area Character statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on the historic character and significance of the Grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill Conservation Area.
- 9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.3. The application follows a previously refused Listed Building application for exactly the same extension (ref. BH2022/03079). There was one reason for refusal of application BH2022/03079 which was as follows:  
*"The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two. "*
- 9.4. The reason for the refusal of the previous application has not been addressed in the current application. No amendments have been made to the refused scheme so the works are still considered to cause harm to 11 Montpelier Villas, the setting of 70 and 71, and to undermine the historic significance of these buildings and the wider Montpelier and Clifton Hill Conservation Area. As there is no public benefit to outweigh this harm, the development is not considered to be acceptable under paragraph 202 of the NPPF and conflicts with policy CP12 of the CPP1 and DM26 and DM27 of the CPP2.



- 9.5. It is acknowledged that a significant number of letters of support have been received for this application, and the issues raised are given weight. However, it is considered by the Local Planning Authority that the development would cause clear harm to the listed building, adjoining heritage assets and the wider Montpelier and Clifton Hill Conservation Area and therefore Listed Building Consent should be withheld.

## **10. CONCLUSION**

- 10.1. The works would harm the historic significance and character of the Grade II listed building and the wider conservation area contrary to policy DM26 and DM27 of the CPP2 and CP15 of CPP1.

## **11. EQUALITIES**

- 11.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.



# **ITEM H**

**11 Lyminster Avenue  
BH2023/02707  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**







<b><u>No:</u></b>	<b>BH2023/02707</b>	<b><u>Ward:</u></b>	<b>Patcham &amp; Hollingbury Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>11 Lyminster Avenue Brighton BN1 8JL</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear extension with Juliet balcony, roof alterations incorporating hip to gable extension to rear and solar panels and rooflight to West elevation, and associated alterations.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	10.10.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.12.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.02.2024
<b><u>Agent:</u></b>	J H A Designs 18 Maryland Road Hawkenbury Tunbridge Wells Kent TN2 5HE		
<b><u>Applicant:</u></b>	Mr Marcus Morley 11 Lyminster Avenue Brighton BN1 8JL		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			6 October 2023
Block Plan			6 October 2023
Proposed Drawing	1445-11		6 October 2023
Proposed Drawing	1445-12		6 October 2023
Proposed Drawing	1445-13		6 October 2023
Proposed Drawing	1445-14		6 October 2023
Proposed Drawing	1445-15		6 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. 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.

4. The development hereby permitted shall incorporate at least three (3) 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 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 at No.11 is a bungalow on the northern side of Lyminster Avenue, sitting lower than the road, with a rear garden that slopes downwards. To the east lies no.13, a two storey dwellinghouse with a rear conservatory and to the west no.9 a bungalow with a rear extension.

## 3. RELEVANT HISTORY



- 3.1. **BH2023/02233** Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating gable end roof extension with window, solar panels and rooflight to west elevation. Withdrawn 4th of October 2023
- 3.2. **BH2023/00970** Erection of a 2no storey rear extension ground floor rear extension, patio at lower ground floor, addition of solar panels to western elevation roof slope, erection of a rear balcony at ground floor level with steps to the rear garden, a hip to gable roof extension to rear elevation and associated alterations. Withdrawn 4th of August 2023

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

- 4.1. Planning permission is sought for the erection of a single storey rear extension with a Juliet balcony. Permission is also sought for roof alterations incorporating a hip-to-gable roof extension to the rear elevation, solar panels and a rooflight to the western elevation and associated alterations.

#### **5. REPRESENTATIONS**

- 5.1. **Eight (8)** representations have been received, objecting to the proposal on the following grounds:
  - Inappropriate height of development;
  - Overdevelopment;
  - Overshadowing;
  - Detrimental impact on residential amenity;
  - Restriction of view;
  - Too close to the boundary;
  - Previous similar applications have been submitted;
  - Sets a precedent;
  - Design;
  - Additional traffic;
  - Unclear how the proposal would be considered single storey.
  - Overlooking and loss of privacy;
  - Lack of compliance with planning regulations.
  - Detrimental impact on property value;
  - No notification of the works has been provided as required by the Party Wall Act, even though works have taken place.
- 5.2. **One (1)** representation has been received, supporting the proposal on the following grounds:
  - Good design.
- 5.3. Full details of representations received can be found online on the planning register.

#### **6. CONSULTATIONS**

None received

## **7. MATERIAL CONSIDERATIONS**

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

### The National Planning Policy Framework (NPPF)

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

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

#### Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents.
- 9.2. A recent site visit to the site has been carried out. The agent has confirmed that the works that have begun on site are for clearance only.

#### Principle of Development

- 9.3. Previously a Lawful Development Certificate (application reference BH2023/02233) was submitted for the site to obtain confirmation on whether a planning application is required for the works the subject of this application. However, this was withdrawn and as such no conclusion was reached regarding whether the proposal was 'permitted development' in terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 9.4. The current application seeks planning permission for the proposal, rather than confirmation that the proposal is permitted development. While the permitted development fallback position is a consideration for this application, the proposal has been assessed against the policies above and does not need to be permitted development to be supportable.

#### Design and Appearance

- 9.5. A single storey rear extension, hip to gable roof extension, side solar panel and side rooflight are proposed. There would be very little visible change to the property when viewed from the street.
- 9.6. The rear extension would be single storey in height and not visible from the streetscene so would have no impact on the character or appearance of the area. It would have a depth of 4m and flat roof to a height of 3.9m. If it was 3m in height it would benefit from 'permitted development' rights so the impact of the additional height is considered acceptable in this context. It would have materials to match and would be
- 9.7. In response to concerns raised in objections, while the extension is on a slope it has only one floor level, with the base of the extension becoming deeper further from the former rear elevation, and has therefore been classified as a single storey extension.
- 9.8. A hip to gable roof extension is proposed at the rear of the property. Again, this would not be visible from the streetscene so would have no impact on the character of appearance of the area. Further, this is a common addition to properties in the vicinity and could be undertaken under 'permitted development' rights.
- 9.9. Windows are proposed to be removed and blocked up on the side elevations to the east and west. The chimney is also proposed to be removed. These are minor changes and would not be detrimental to the appearance of the dwelling. A condition has been recommended to secure the proposed external appearance of the brick work matches the existing.
- 9.10. Turning to the western elevation, solar panels and a rooflight are proposed within the existing roof of the property. Both are common additions to roofslopes within the surrounding area and while visible from the public realm would not look out of keeping with the area. The sustainability benefits of the solar panels are welcomed in accordance with policies CP10, DM37 and SPD11.

- 9.11. During the course of the application it was confirmed that the property was to be rendered rather than have exposed brick. This is a minor change and was not considered to prejudice neighbours in a manner which requires re-consultation
- 9.12. The proposals benefit as single elements from some form of permitted development fallback. The fallback position, subordinate design, sustainability benefits of solar panels and the suitable appearance of the scheme within the streetscene results in a proposal in compliance with policies CP12 of City Plan Part One and DM21 of City Plan Part Two.

#### Impact on Amenities

- 9.13. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.14. No significant increase in overlooking or loss of privacy is anticipated, particularly noting the considerable degree of mutual overlooking at ground and first floor level between properties and garden areas. The proposed western elevation rooflight would overlook a tiled roof at no.9 and would provide an oblique view. The proposed windows to the rear (northern) and side (western) elevation would not provide significant opportunity for overlooking above and beyond the existing. The proposed Juliet balcony would not project beyond the built form of the existing ground floor and as such would not provide a raised area for standing and sitting so the impact would be similar to that of a window which is considered acceptable.
- 9.15. The location and orientation of the property and proposed extensions would result in some overshadowing and loss of light for no.13, which is located to the east of the application site. This would be limited to the late afternoon and evening. The proposals would not impact the conservatory or garden of no.13 considerably beyond the impact of the existing roof at no.9.
- 9.16. Concerns have been raised in the objections received about the potential for overdevelopment. However, the proposed scheme fits well within the site and would be set back from the boundaries and a large undeveloped garden area would be retained. Furthermore, the works do not considerably exceed those befitting from permitted development, therefore not requiring a planning application.
- 9.17. Concerns have also been raised in objections about the restriction of view caused by the proposal. While a loss of view is not a material planning consideration, loss of outlook can be considered. The extensions are set in from the boundaries and are not of a height or location where they would significantly reduce the outlook of neighbouring properties.

#### 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. Two bedrooms are proposed in the roofspace. Bedroom three would have suitable natural lighting provided by the window proposed in the gable end of the proposed roof extension, and would benefit from considerable floor space and a suitable floor to ceiling height throughout most of the room. The standard of accommodation for bedroom two would be limited in comparison. While this rooms has limited floor to ceiling height, due to being created within the existing hipped roof, the rest of the property benefits from a spacious dining and living area in addition to ground floor bedrooms being retained which have adequate head height. Furthermore, while NDSS standards would be preferred, works to a single dwelling such as that proposed would not have a condition securing the layout of the property attached to a permission.

#### Other Matters

- 9.20. Objections have highlighted concerns about additional traffic. The proposal would provide extra bedrooms, however, the use of the property as a single dwelling is to continue. The continuation of the existing use is not considered to exacerbate the current situation with regards to trips to and from the site as well as parking.
- 9.21. Matters such as loss of property value, structural safety, and the impact of construction works, as raised in objections, are not material planning considerations.
- 9.22. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

## **10. EQUALITIES**

- 10.1. 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 result in the loss of stepped rear access to the garden area but would retain the existing side steps for access and would provide an upper storey for 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.

## **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 I**

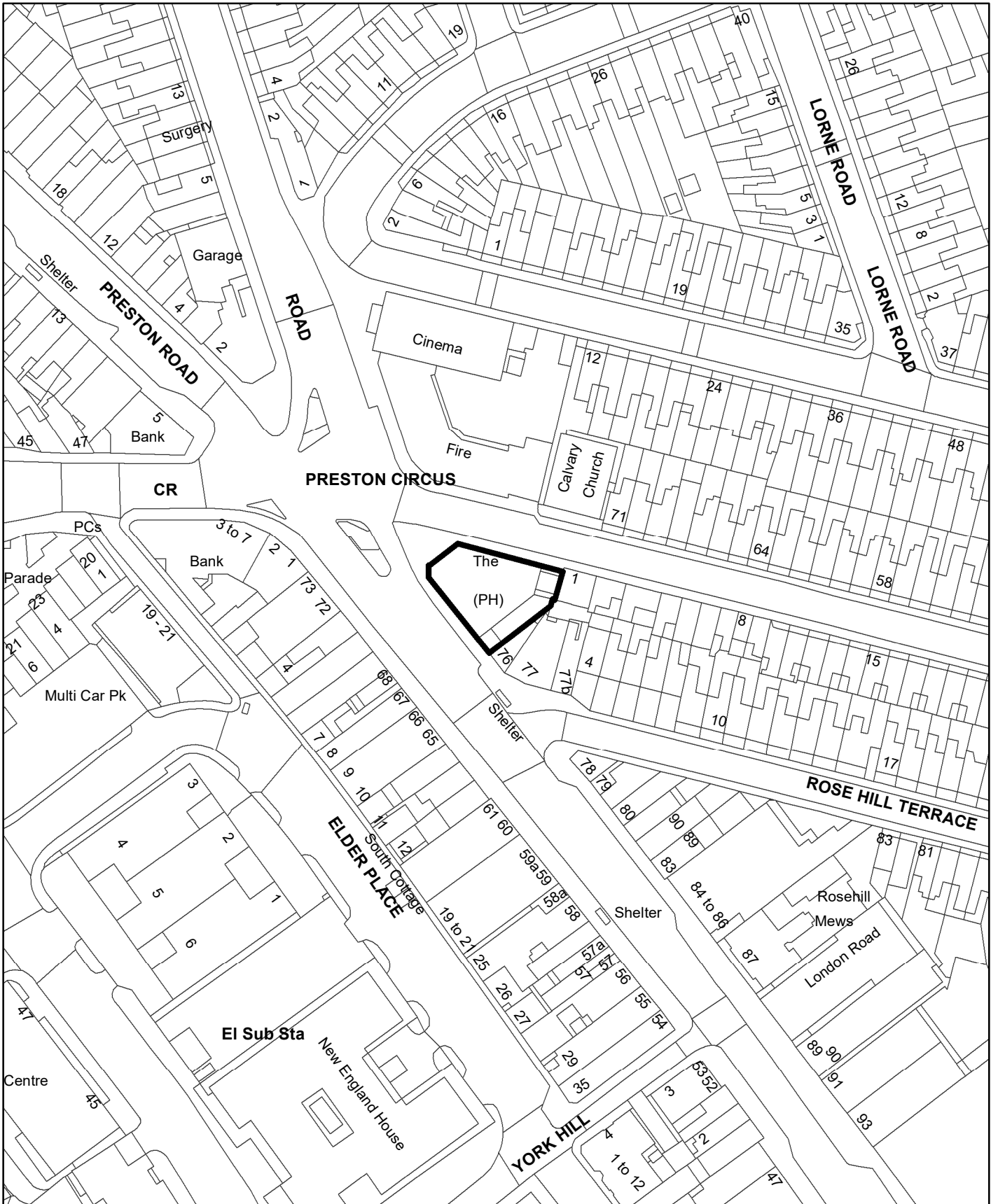
**The Hare and Hounds, 75 London Road  
BH2023/02441  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**





# BH2023 02441 - The Hare And Hounds, 75 London Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02441</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Hare And Hounds 75 London Road Brighton BN1 4JF</b>		
<b><u>Proposal:</u></b>	<b>Creation of roof terrace within existing span of roof and construction of new pitched roof section on above south-east elevation, new door opening at ground floor level to provide level access to outdoor space and reconfiguration of public space and managers flat at first floor level.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	04.09.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	30.10.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	28.02.2024
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Chris Bloomfield 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	22-73-01		4 September 2023
Proposed Drawing	22-73-22	A	4 September 2023
Proposed Drawing	22-73-15	C	16 November 2023
Proposed Drawing	22-73-16	B	4 September 2023
Proposed Drawing	22-73-17	C SCREEN RE-LO	1 November 2023
Proposed Drawing	22-73-18	C	16 November 2023
Proposed Drawing	22-73-19	A	4 September 2023
Proposed Drawing	22-73-20	A	4 September 2023
Proposed Drawing	22-73-21	A	4 September 2023
Proposed Drawing	22-73-22	A	4 September 2023
Proposed Drawing	22-73-23	B	1 November 2023
Report/Statement	Acoustic report	1174.001R.3.0JP	20 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. Prior to first use of the roof terrace, details of secure cycle parking facilities for the employees of 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.
4. The roof terrace hereby permitted shall not be used except between the hours of 11:00 and 22:00 on Mondays to Fridays, 10.00 to 23.00 on Saturdays and 10.00 and 22.00 on Sundays, including Bank or Public Holidays. No maintenance or cleaning should be carried out between the hours of 23.00 and 09.00 on any day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
5. Prior to first use of the roof terrace hereby permitted, the works shown on the approved ground floor plan (ref. 23-73-15 rev C) to provide a level access to the outside courtyard and adaptations to the booths to provide wheelchair accessibility shall be implemented in full and maintained thereafter.  
**Reason:** To improve accessibility of the ground floor seating area and enable all patrons to have a choice of inside and outside spaces at the premises
6. No background music shall be played in the roof terrace outside area at any time and no events, live music or use of a PA system (or similar device) shall be undertaken in the roof terrace at any time.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
7. The roof terrace hereby approved shall not be first brought into use until a management plan for its operation and supervision of roof terrace users is submitted to and approved in writing by the Local Planning Authority. The management plan should specify how premises management will ensure that noise is kept to a minimum through regular checks and robust procedures to deal with any patrons not complying with management requests to keep noise to a minimum. Once approved, the management plan, should be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall incorporate at least three (3) swift 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

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 premises management should ensure that once the revised layout is in effect there is clear and functional signage directing patrons to the toilets on the first floor. An additional sign is recommended for the accessible toilet door to remind patrons of the toilets at first floor.
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: HSE: Asbestos - health and safety in the workplace.
4. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). Alternatively stores such as sheds made from other materials such as wood must be covered and include a concrete base with Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

## **2. SITE LOCATION**

- 2.1. The application site is the Hare and Hounds Public House at 75 London Road. The pub is located on the Preston Circus junction with elevations fronting London Road to the south-west and Viaduct Road to the north. The building is two storeys in height with a pitched roof over, and is roughly triangular in shape, expanding to the rear (south-east) of the site. It has a significant presence at the junction owing to its prominent location and the size of the building and makes a positive contribution to the visual character of both London Road and

Viaduct Road. There is a large rooflight serving the events space on the first floor.

- 2.2. The application site is not a listed building and does not lie within a conservation area but there are listed and locally listed buildings sited in close proximity to the north of Preston Circus. The site does fall within the London Road Local Centre.

### **3. RELEVANT HISTORY**

- 3.1. No relevant history at the application site. However the below application is of note and is nearby to the application site:

- 3.2. **BH2022/01194 (2 Preston Road, currently operating as 'The Joker')** - Creation of roof terrace to provide additional seating area at rear of existing public house (Sui Generis) with associated roof alterations incorporating glass balustrade, fencing and replacement of existing fire escape steps with metal staircase with associated works. Approved 05.10.2022

### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the creation of a roof terrace within an existing span of roof and the construction of a new pitched roof section above the south-east elevation fronting Viaduct Road. A new door opening is also proposed at ground floor level to provide level access to the existing outdoor space which would be reconfigured to improve accessibility, as well as the reconfiguration of the manager's flat at first floor level to allow space to provide stairs to the roof terrace.
- 4.2. The scheme was amended during the life of the application to ensure that the design of the roof terrace was acceptable. An updated acoustic report has also been provided which reflects the new design, this version is the one considered in this recommendation.

### **5. REPRESENTATIONS**

- 5.1. Representations from seven (7) individuals/groups have been received, including one from the Brighton Access and Disability Everywhere group (BADGE) objecting to the proposed development for the following reasons:
- Detrimental effect on property value
  - Increased noise and disturbance for adjacent and nearby neighbours
  - Overdevelopment of the existing pub-
  - Concerns raised with the robustness of the Acoustic report and no guarantees that sound mitigation measures will work.
  - Proposed capacity of roof terrace at 240 people is too many.
  - Potential for overlooking and loss of privacy
  - Increased height will result in loss of light / overshadowing to neighbouring properties,

- No disabled access to proposed terrace and only one disabled toilet on the ground floor,
- Concern with the scale and design of the proposal,
- The outside area is underused as existing and the extra capacity is not needed,
- Concern that the 'non-smoking' for the terrace will not be enforced,
- Current operation and management of the venue is poor.
- Concern about with the proposals meet building and fire regulations,
- Existing noise from property is already a concern,

## 6. CONSULTATIONS

### Internal:

#### 6.1. **Environmental Health:** No objection

Environmental Health Officers have reviewed the updated acoustic report submitted and agree with its conclusions. The recommended mitigation should be secured by condition, namely external area to close by 2300, signage to be displayed requesting that patrons respect residents and keep noise to a minimum, regular checks of external area by management, including asking those not complying with management request to minimise noise to leave, and music to be only low level background, kept to a minimum at all times.

#### 6.2. **Sustainable Transport:** No objection

The transport officer notes that the proposals are likely to lead to a significant increase in person trips to and from the premises. However this is not considered to warrant refusal because they are linked to the existing location. A need for cycle parking has been identified (3 spaces) and details have been requested via condition. No objection is raised to the new fire exit onto Viaduct Road. The accessibility amendments are welcomed.

### External:

#### 6.3. **Sussex Police:** Comment

Sussex Police have reviewed the amended plans and repeat their suggestion that hours of trading are conditions and that a management plan is sought.

## 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
CP6	Visitor accommodation
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
DA4	New England Quarter and London Road Area

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

DM1	Housing Quality, Choice and Mix
DM12	Primary, Secondary and Local Centre Shopping Frontages
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the creation of a roof terrace and the other works in terms of the design and appearance and impacts on neighbouring occupiers.

### **Principle of the Development:**

- 9.2. Policy DM10 gives protection to public houses against redevelopment or the change of use to other uses. This policy is grounded in the recognition of the community function they can offer.



- 9.3. The proposed works would increase the usable floor area of the pub and provide an expanded outside seating area, increasing the viability and vitality of the pub, according with policy support for the retention of public houses in the city.

**Design and Appearance:**

- 9.4. As submitted the conversion of the roof into a roof terrace included a bulky acoustic fence on the south-eastern elevation. This was considered to be of poor design that would have been visible from London Road and would have detracted from the appearance and character of the building and the wider surrounding area.
- 9.5. In response to the concerns raised the design was amended. The proposed acoustic fence was removed from the proposal and a 'dummy' roof section is now proposed. Visually this would continue the pitched appearance of the existing roof across the south eastern elevation, providing acoustic protection with an appearance that is more sympathetic to the existing building. It would relate better to the rest of the building and match the detailing of the existing roof, with matching materials and retention of existing chimneys. The staircase enclosures on either side of the 'dummy' roof would be lead clad.
- 9.6. The proposed seating on the south eastern elevation of the roof terrace has slightly reduced in depth as part of the amended scheme and is set slightly within the new dummy roof that is now proposed.
- 9.7. At ground floor, near the London Road entrance to the pub, the small ground floor window in the south-east elevation would be replaced with a larger opening to accommodate double doors. These double doors provide an accessible entry point for all to the ground floor area. The impact on the character of the area of this slight change is considered minimal and acceptable.
- 9.8. Overall, the proposal is acceptable in design terms and would not detract from the appearance and character of the existing public house and or the wider surrounding area, in accordance with policies DM18 and DM21 of the City Plan Part Two.
- 9.9. On the whole, the amended design with additional roof form to match the existing roof would deliver a greater design finish which would not detract from the appearance of the building or of it within the wider context of the London Road area.

**Impact on Amenity:**

- 9.10. Policy DM20 of the City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the existing or proposed adjacent or nearby users, residents or occupiers.
- 9.11. The key consideration is therefore whether the proposed roof terrace would result in noise and disturbance to neighbouring properties. It is noted that the pub currently has a beer garden at ground floor level on the south eastern boundary which abuts residential properties.

- 9.12. The proposed terrace would be sited further away from neighbouring properties than the existing amenity space and would be set within the amended roof form.
- 9.13. The applicant has provided an acoustic report which sets out that noise levels at the boundary of the site will only show a very minimal increase (1Db) over existing background noise levels.
- 9.14. The proposal has been reviewed by Environmental Health who found the acoustic report acceptable and they support the scheme subject to the inclusion of conditions which ensure that the operation of the roof terrace is in accordance with the noise mitigation measures set out in section 6.4 of the acoustic report.
- 9.15. In respect of the physical creation of the roof terrace, the proposed roof is hipped away and has sufficient separation from the adjoining residents to the south east to ensure that there would be no significant loss of light, overshadowing or an overbearing or enclosing impact. The terrace would be set within the roof space and there would be no opportunity for any overlooking or loss of privacy to adjoining residents.
- 9.16. Sussex Police have not objected subject to conditions attached to secure hours of use and a management plan.
- 9.17. Subject to the proposed conditions discussed above the proposals would be in accordance with the development plan and have an acceptable impact on neighbouring amenity.

#### **Standard of Accommodation**

- 9.18. At first floor the application proposes to alter the layout to remove the ancillary pub spaces (store and office) and reduce the size of the existing management residential flat from three-bedrooms to two-bedrooms.
- 9.19. The existing events space at first floor, with bar area would be unaffected by the proposed layout changes at first floor. A new opening will be created internally to facilitated the flow of patrons between the staircases.
- 9.20. The reconfigured management flat would be a two-bedroom, four-person dwelling over a single storey. It would have an overall floor area of 96.66sqm which is above the 70sqm minimum indicated in NDSS which were adopted through CPP2 Policy DM1. The two bedrooms are large enough for double occupancy and meet the minimum width requirements. The layout, although smaller, would retain a similar character to the existing layout with separate kitchen/dining (20.42sqm) and living (16.5sqm) spaces with adequate circulation space. All habitable rooms would have windows for outlook ventilation and light. While it is regrettable that the bathroom would have no windows so would require mechanical ventilation, this is considered acceptable.
- 9.21. It is noted that the existing flat does not have private outdoor amenity space. This would remain the case following any reconfiguration so is not considered reasonable to refuse the application.

- 9.22. Overall, the reconfigured manager's flat would accord with policy DM1 of the City Plan Part Two and is considered acceptable in terms of the standard of accommodation provided.

#### **Sustainable Transport**

- 9.23. The proposals have been reviewed by the Transport Officer who has not raised any concerns that the increase in floor area would lead to a harmful impact on the locality in terms of pressure on the highway and transport networks.
- 9.24. The Transport Officer has observed that as existing there are no cycle parking opportunities on-site and that as a result of these proposals the number of staff would increase to 14. This level of staffing should be served by three secure cycle parking spaces. Details of the proposed cycle parking are secured by the recommended cycle parking condition to this application.

#### **Accessibility**

- 9.25. Internally, changes are proposed to the ground floor layout to increase accessibility by providing an accessible toilet and providing a ramp from the bar area linking with it. In addition, an accessible entrance would be created to the outside area at ground floor level, and the existing seating area outside would be adjusted to improve access for those with mobility issues, which would be secured by condition. Therefore while a lift could not be provided to the new roof terrace, accessibility to the existing facilities at ground floor level would be improved, which is considered beneficial to those reliant on wheelchairs and with other mobility issues.

#### **Other Considerations:**

- 9.26. The proposed new roof construction creates an opportunity for swift bricks to be incorporated into the new roof section in increase ecological outcomes at the site. This would be secured by condition and support the aims of CP10 of the City Plan Part One and DM37 of the City Plan Part Two.

## **10. EQUALITIES**

- 10.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 10.2. As discussed above the ground floor has been subject to changes which improve access for all to the ground floor outdoor area. The stepped access has been replaced with level access and there is a route through the main bar area to get to an accessible toilet.



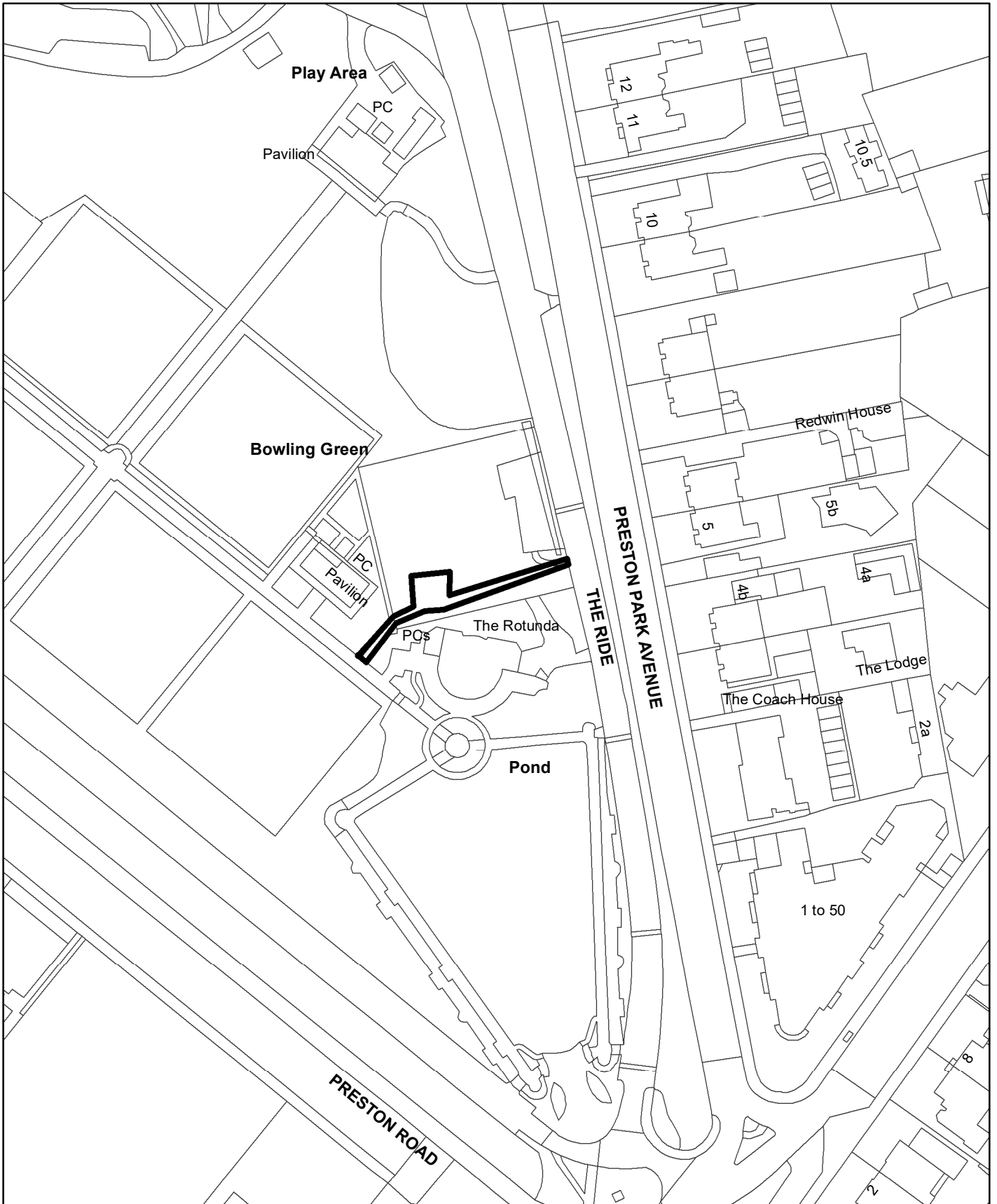
# **ITEM J**

**Preston Park, Preston Road  
BH2023/03311  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 03311 - Preston Park, Preston Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2023/03311</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Preston Park Preston Road Brighton BN1 6SD</b>		
<b><u>Proposal:</u></b>	<b>Erection of freestanding masonry faced modular building (constructed off site) containing a Changing Places toilet facility installed onto a new concrete slab with new tarmac access path.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 291380	<b><u>Valid Date:</u></b>	19.12.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	13.02.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Brighton & Hove City Council Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		
<b>Applicant:</b>	Brighton & Hove City Council Hollingdean Depot Upper Hollingdean Road Brighton BN1 7GA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons, or the recommendation set out below and resolves to be **MINDED TO GRANT** planning approval subject to the receipt of no further representations raising additional material considerations within the consultation period ending 07 February 2024 and the following Conditions and Informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	101 (Proposed Floor Plans)	P2	13 December 2023
Proposed Drawing	101 (Proposed Elevations)	P2	13 December 2023
Proposed Drawing	103 (Tree Retention Plans)	P1	13 December 2023
Location and block plan	100	P4	10 January 2024

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/details of all hard surfacing materials including proposed footpath finish
- c) details of the proposed skylights and door materials and finish
- d) details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

4. The proposed tree relocation shown on drawing no. 103 P1 received on 13th December 2023 shall be carried out prior to placement of the proposed concrete foundation slab. Any re located trees 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 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.

5. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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 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>

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION**

- 2.1. The application relates to a small area of land grassland located to the north west of the Rotunda Cafe building and the south east of The "Whoopsa Daisy" pavilion, within the southern portion of the Grade II Listed Preston Park and Gardens.
- 2.2. In addition to being within the Grade II Listed park and gardens, the site is located in the Preston Village Conservation area and within a Nature Improvement Area (N.I.A.), and Open Space Area.

## **3. RELEVANT HISTORY**

None relevant to the present application.

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the erection of a freestanding, single storey "Changing Places" toilet facility with tarmacked footpath linking to The Ride to the east and existing footpaths to the west.
- 4.2. The toilet would be single storey in height with a footprint of 4.7 metres by 6.2 metres, with a height to the ridge of just under 4 metres. The form is rectangular with a hipped roof design with skylights to each roof slope. The drawings show the roof finished with clay tiles and masonry (brick) faced elevations. The building is designed to be modular and built offsite predominantly, and would sit upon a concrete slab with no integral foundation.
- 4.3. The facility would contain a toilet, shower and height-adjustable seat as well as a changing bench and manoeuvring space, suitable for motorised wheelchair users and their carers. The facilities are designed to be as adaptable as possible for future users.

## **5. REPRESENTATIONS**

- 5.1. The consultation period for the application finishes on 7 February 2024, the day of the Planning Committee meeting. Any additional representations received following the publication of this report will be presented verbally at the Committee meeting.

- 5.2. The applicant has asked that the scheme come before the Planning Committee in February because it is subject to government funding which would be at risk if determination was delayed until the following month's meeting.
- 5.3. **Six** (6) comments have been received objecting to the proposed development on the following grounds:
- Adversely affects conservation area
  - Overdevelopment
  - Poor design
  - Loss of newly planted trees
  - Area used for outdoor keep fit classes
  - Existing toilets should be refurbished
  - Will reduce open space for recreation
  - Siting is inappropriate - should be closer to the Rotunda building
- 5.4. **Two** (2) comments have been received supporting the proposed development on the following grounds:
- Good design
  - Improve toilet facilities in the park
  - Will support entrepreneurial efforts made by the café and other businesses to utilise the park environment
  - Will improve access to park for those with difficulty using conventional toilets

## 6. CONSULTATIONS

- 6.1. **Heritage: 14/09/2023 No objection subject to condition**  
The information provided is satisfactory and subject to conditions regarding the approval of materials, it is considered that with modest size proposed, in conjunction with a palette of detailed materials that take cues from the Rotunda and Whoopsa Daisy Buildings, the development would have acceptable impacts to the heritage assets.
- 6.2. **Sport England: 03/01/2024 Comment**  
The proposed development falls outside our statutory remit, and no detailed response is provided. General advice in respect of developments provided, none are specific or relevant to the proposed. [the development would not result in the loss of any playing field].
- 6.3. **Sustainable Transport: 17/01/2024 Verbal Comment**  
The proposed placement of the building and the footpaths are acceptable. The proposed changes may increase the number of trips to the location however, those are unlikely to generate significant reason for objection.

## 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  
 CP10 Biodiversity  
 CP12 Urban Design  
 CP16 Open Space

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

DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM22 Landscape Design and Trees  
 DM26 Conservation Areas  
 DM30 Registered Parks and Gardens  
 DM33 Safe, Sustainable and Active Travel  
 DM37 Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD11 Nature Conservation & Development  
 SPD12 Design Guide for Extensions and Alterations  
 SPD14 Parking Standards  
 SPD17 Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the resulting impact upon the area's heritage features, as well as the impact on residential amenity and trees.

### Design and Appearance and Impact on Heritage Features:

- 9.2. In considering whether to grant planning permission for development which affects a listed park or garden, the Council has a statutory duty to have special regard to the desirability of preserving its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed park or garden its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. This development would provide a 'Changing Places' changing room, shower and toilet facility for users of the park with profound physical and/or learning disabilities that cannot be met by the existing toilets in the vicinity.
- 9.5. Concern has been raised over the location chosen and the resulting impact on the area and buildings. However, the location close to the Rotunda Café, linked via a new tarmac path, has been specifically chosen as a popular location for park users to enable those who need the facility to experience the park as other members of the public do, without having to limit time spent due to lack of suitable toilet facilities.
- 9.6. The proximity to the "Whoopsa Daisy" charity's pavilion is also important as it would provide for users of that facility, some of whom have movement disorders such as cerebral palsy. To have it located in another position in the park reduce these benefits for future users.
- 9.7. Policy DM30 of CPP2 states in relation to registered parks and gardens that: *"Permission will be granted for development proposals that would preserve or enhance the historic layout, character, designed features and principal components of a registered park and garden of special historic interest. In assessing the impact of such proposals on the significance of the park or garden, the council will have particular regard to the impact of development on any notable view of, within or across the park or garden."*
- 9.8. The proposed location adjacent to the existing buildings and facilities is considered appropriate, lessening the impact of the building on the park. It would appear nestled between the existing built development, rather than in a more isolated location where it would contrast and be more prominent due to the open nature of the surrounding park and could affect views.
- 9.9. The design is relatively modest in size in comparison to the Rotunda and Pavilion, which further limits its visual impact in the proposed setting.
- 9.10. The proposed materials are not fully specified, only stating clay tiles and masonry facing, with a metal door which is generally reflective of the Rotunda and Pavilion materials. However due to the relatively plain appearance shown

on the plans the exact details of the final materials are key in ensuring the final form is acceptable and takes full design cues from the surrounding buildings, complementing them.

- 9.11. Heritage Officers have assessed the application and determine the impact of the development on the heritage assets is acceptable subject to appropriate materials used to finish the structure. Discussions have taken place with agent, and they are aware of the need for a high quality material palate so details of materials would be secured by condition. To ensure this occurs a condition has been requested that all the proposed materials are submitted for approval by the LPA prior to commencement of works. This would also secure the approval of details of the final finish to the new pathways.
- 9.12. Overall, the scheme is considered to be acceptable in design terms and in terms of its impact on heritage features in the area and to provide substantial public benefit by way of a "Changing Places" facility, enabling the inclusion and increased accessibility for those with physical and/or learning disabilities. Subject to the attached condition securing details of materials, the proposed building and associated works are considered to be a suitable development that would not harm the registered park or wider conservation area in accordance with policy DM21, DM26 and DM30 of the Brighton and Hove City Plan Part Two and SPD12 guidance.

Impact on Residential Amenity:

- 9.13. The proposed development would have no adverse effects on surrounding residents, as confirmed by an officer site visit. The building would be small in scale, and located well within the park, at sufficient distance from any dwellings to avoid any loss of light, outlook or privacy, particularly as the only windows would be skylights.
- 9.14. The location of the building is not considered to interfere with the outlook or views of users of Preston Park as situated close to the Rotunda and Pavilion, becoming part of this grouping, which already breaks up long and short views within the park setting.
- 9.15. The impact of the proposed development has been fully considered in terms of daylight, sunlight, outlook, and privacy and it is considered, that the proposed building and works would not cause significant harm to amenity, in accordance with Policy DM20 of City Plan Part Two.

Impact on Trees

- 9.16. As part of the proposed works two existing mulberry trees, which have been recently planted, would need to be relocated to the north. The applicant has provided correspondence with the Arboricultural team at City Parks, and they have confirmed that the relocation of these trees would be acceptable, due to them having been planted within the last two years.

## **10. EQUALITIES**

- 10.1. The proposed development would significantly improve access to the park and the associated facilities for those with mobility or visual impairments, by providing appropriate and well located changing and toilet facilities.
- 10.2. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development, and as noted above, the benefits to those with mobility and other issues are considered significant.

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

- 11.1. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and bee brick within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as SPD11.



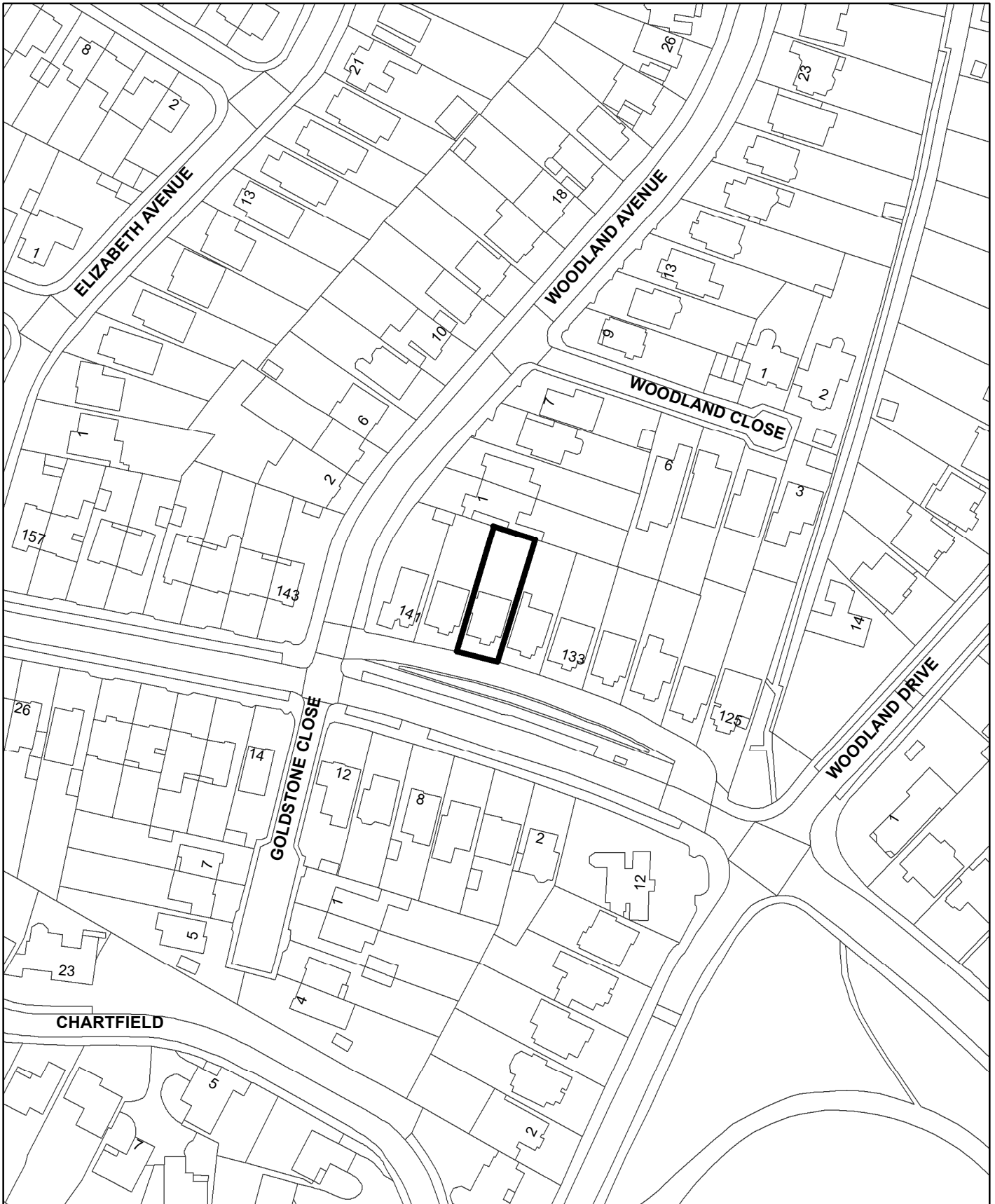
# **ITEM K**

**137 Goldstone Crescent  
BH2023/02727  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 02727 - 137 Goldstone Crescent



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02727</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>137 Goldstone Crescent Hove BN3 6BB</b>		
<b><u>Proposal:</u></b>	<b>Erection of first floor extension with pitched roof incorporating new window to front and west facing elevations and a single storey rear extension (part retrospective)</b>		
<b><u>Officer:</u></b>	Nathaniel Rainier, tel:	<b><u>Valid Date:</u></b>	19.10.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.12.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Architecture Of Calm 95 Denton Road Denton Newhaven BN9 0QE		
<b><u>Applicant:</u></b>	Mr M Varagoulis 137 Goldstone Crescent Hove BN3 6BB		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan			15 December 2023
Proposed Drawing	01		15 December 2023

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

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

3. 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.

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

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

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

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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. The applicant should be aware that the site is 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 site consists of a detached two-storey residential dwelling with integral garage located on the northern side of Goldstone Crescent, north west of Hove Park. The dwelling is one of a run of nine similarly-designed detached dwellings that sit back from and slightly higher than the road and are accessed from a crescent-shaped access road linking with Woodland Avenue to the south and Goldstone Crescent to the north. The property features a two storey white uPVC bay window to the front elevation along with a hipped roof with a cat slide feature at first floor level that pitches down towards No.139 to the west. The dwelling is otherwise constructed in a mix of red brick, render and some mock tudor detailing.
- 2.2. The site is not within a conservation area or otherwise designated and there are no heritage assets located in the vicinity of the site.

## **3. RELEVANT HISTORY**

None relevant.

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

- 4.1. The application proposes a roof extension to the front elevation at first floor level, and a single storey extension to the rear elevation.
- 4.2. The first-floor front roof extension would create a hipped roof extension on the western side that would replace the cat-slide roof-slope and sit adjacent to the principal front gable. It would be of a form and size similar to the roof extension already carried out at the neighbouring property directly to the west. The proposed first floor roof extension would also feature an obscure glazed window on the west facing elevation. A ground floor extension with four rooflights is proposed on the rear elevation that would be approximately 3 metres in depth, 8.3 metres in width with an eaves height of 2 metres and an overall maximum height of 3.2 metres.
- 4.3. The application originally included a hip to gable roof extension on both sides with front rooflights and a large rear dormer however the plans have been amended and these elements of the development have been removed from the proposals.

#### **5. REPRESENTATIONS**

- 5.1. In response to publicity, responses were received from **six (6)** individuals, objecting to the application and raising the following issues:
  - Poor design
  - Inappropriate height
  - Overdevelopment
  - Overshadowing
  - Overlooking
  - Impact on property value
- 5.2. One objection was received from Councillor Samer Bagaeen who has since confirmed that they withdraw their objection in light of amendments made removing the proposed side and rear roof-works.
- 5.3. Many of the objections relate to the now removed rear dormer element of the original proposal.
- 5.4. Full details of representations received can be found online on the planning register.

#### **6. CONSULTATIONS**

- 6.1. No consultation responses have been received in relation to this application.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extension/alterations and whether they would have a detrimental impact on neighbouring amenity.

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

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage

### Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the impact on neighbouring properties and the impact of the front elevation extension on the character and appearance of the area.

- 9.2. A site visit was undertaken on 18 January 24 to assess the proposal.

### Character and Appearance

- 9.3. The proposed roof extension to the front elevation would be similar in design and appearance to other existing extensions on neighbouring properties such as No.139 and No.129 Goldstone Crescent. The roof extension would be subservient to the principal roof and would be suitably contained within the existing roof space to facilitate a new bedroom at first floor. The extension would not appear as a dominant addition to the street-scene, assimilating well into the appearance of the host property.
- 9.4. The proposed single storey rear extension would not be visible from the public domain so would have no impact on the street-scene or character of the area. The proposed rear extension would extend the entire width of the ground floor rear elevation with rooflights sited within the mono pitched roof and would otherwise retain a subservient appearance of acceptable design. The materials proposed would match the existing (red brick), which is recommended to be secured by condition.



- 9.5. The front and rear extensions are considered to be suitably designed and scaled appropriate to the character of the principal dwelling and in accordance with policy DM21 of the Brighton and Hove City Plan Part Two.

Impact on Amenity

- 9.6. With regards to the impacts upon residential amenity the proposed front roof extension would not result in a loss of privacy/overlooking with the new proposed front elevation window providing views of the driveway and road at the front of the site.
- 9.7. The proposed western side elevation window would be obscure glazed which would be secured by condition and therefore would not result in a loss of privacy/overlooking. The development would have some impact upon a small front-facing window and side window sited on the eastern side of the neighbouring property at 139 Goldstone Crescent. However, given the orientation of the site the impacts are not considered to cause harm sufficient to warrant refusal of the application, particularly as plans approved for 139 Goldstone Crescent show these front and side first floor windows to 139 to serve a hallway and storage. No significant harm is therefore considered to result from the proposals.
- 9.8. The rear extension would be single storey in height, with no side windows or a raised terrace proposed resulting in no privacy or overlooking concerns. The extension would be set away from the neighbouring boundary and is not considered to be overbearing or result in a significant loss of outlook to neighbours due to its single storey nature and proximity to the existing built form. Given the scale and set back from the common boundaries the proposal is not considered to cause any significant loss of daylight or sunlight.
- 9.9. The impacts on neighbouring residential amenity from the front roof and ground floor rear extensions are considered to be acceptable and in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

Other Matters

- 9.10. The rear extension would be constructed over grass and hardstanding so there would be no impacts of concern regarding trees, habitats or protected species. A condition is recommended requiring a bee brick to enhance the nature conservation of the site in accordance with policy DM37 of the Brighton and Hove City Plan Part Two.
- 9.11. There would be no changes proposed to the access or increased impact on the public highway as the property would remain a large family dwelling. The proposal is therefore considered acceptable with regard to highways impacts.
- 9.12. No concerns are raised in regards to the standard of accommodation proposed. The extensions are compliant with the Nationally Described Space Standards and the proposed works would provide one bedroom and otherwise improve the internal amenity space of the dwelling in accordance with policy DM1 of the Brighton and Hove City Plan Part Two.

- 9.13. Matters such as loss of property value, structural safety, and the impact of construction works raised in objections are not material planning considerations.

Conclusion

- 9.14. The proposed works would not have a significant impact on the amenity of neighbouring residents, and the design is considered to be in keeping with the character and appearance of the area, being similar to existing alterations made to properties in the vicinity.

Equalities

- 9.15. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

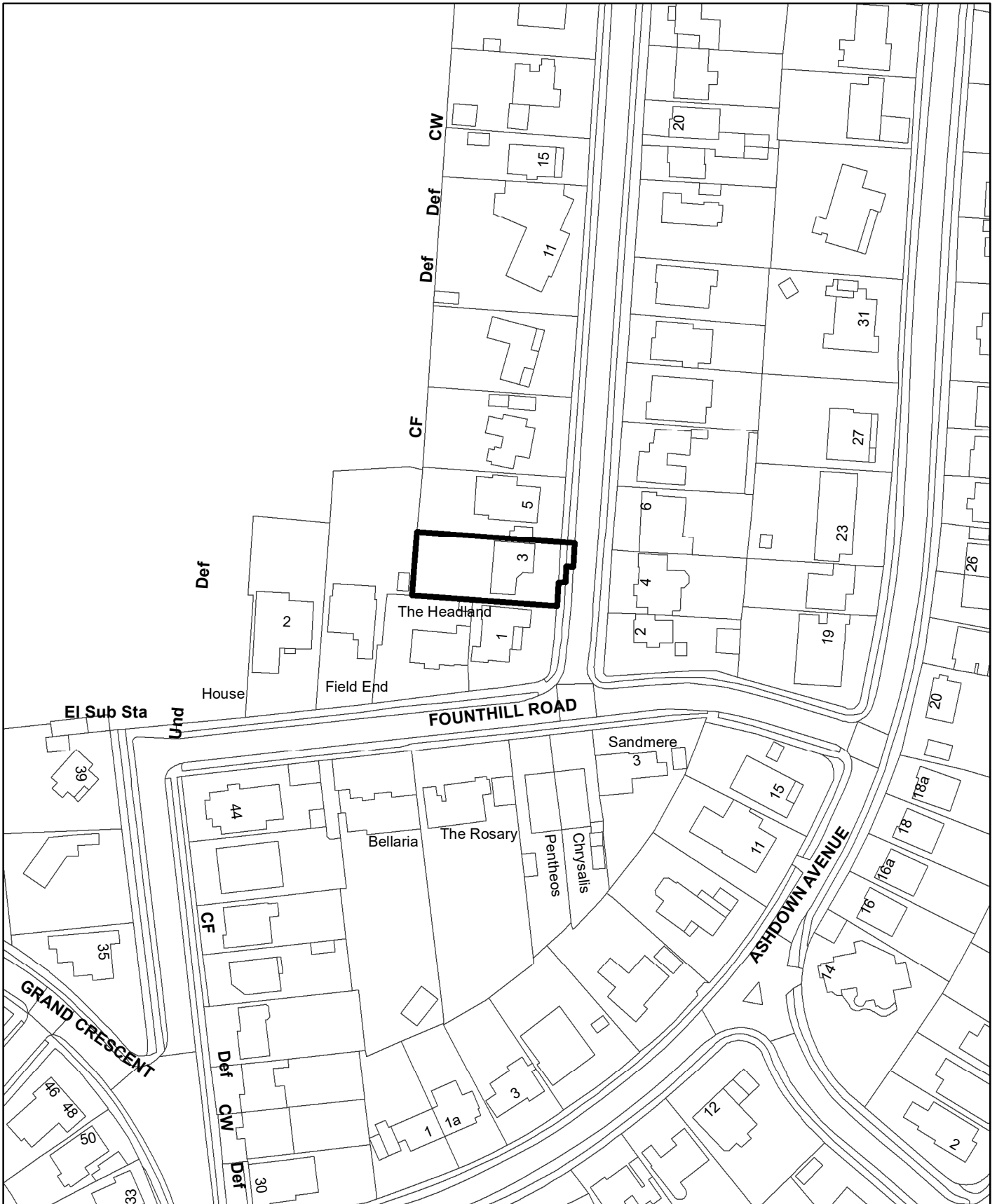
# **ITEM L**

**3 Westmeston Avenue  
BH2023/02672  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 02672 - 3 Westmeston Avenue



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02672</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>3 Westmeston Avenue Saltdean Brighton BN2 8AL</b>		
<b><u>Proposal:</u></b>	<b>Roof alterations and extension including raising the roof ridge height, erection of single storey front extension and two-storey rear extension. Widening of exiting vehicle crossover.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	12.10.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	07.12.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	31.01.2024
<b><u>Agent:</u></b>	EN Architects 171A Church Road Hove BN3 2AB		
<b><u>Applicant:</u></b>	Mr Filip Singh 3 Westmeston Avenue Saltdean Brighton BN2 8AL		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	001	A	12 October 2023
Block Plan	002	B	19 December 2023
Proposed Drawing	150	G	19 December 2023
Proposed Drawing	160	F	17 January 2024
Proposed Drawing	161	D	19 December 2023
Proposed Drawing	170	B	19 December 2023

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

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

3. The first floor rear bathroom window and ensuite window in the west elevation of the development hereby permitted shall be obscure glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

4. The development hereby permitted shall incorporate at least 3 (three) swift bricks 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.

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 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.

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 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>
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: HSE: Asbestos - health and safety in the workplace
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height 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.

6. The applicant is advised that the application of translucent film to clear glazed panels does not satisfy the requirements of condition 3

## **2. SITE LOCATION**

- 2.1. The application relates to a detached bungalow located on the western side of Westmeston Avenue in Saltdean. The L-shaped property has a hipped roof, with a modest flat-roofed extension on the northern side elevation creating a bedroom at the rear and garage to the front. It has an existing 'loft bedroom' created through a large dormer on the rear roof slope. Off street parking is provided with a concrete front driveway. It is finished in a mixture of red brick/off white render and white uPVC fenestration, with red/brown tiles to the roof.
- 2.2. The road, Westmeston Avenue, is characterised by a lack of uniformity in the design, style, scale of properties and plot sizes, with a mix of one and two storey residential houses. The rear of the application site backs onto farmland which forms part of the South Downs National Park, and the property is visible from within the park.
- 2.3. The site is not located in a conservation area or subject to any article 4 directions regarding extensions or alterations. The site does lie within an Archaeological Notification Area and policy DM31 therefore applies.

## **3. RELEVANT HISTORY**

None for application site.

### **7 Westmeston Avenue**

- 3.1. BH2022/01280 - Erection of two-storey side and rear extension, alterations to fenestration, and associated works. Approved 18/07/2023

### **29 Westmeston Avenue**

- 3.2. BH2022/02995 - Remodelling of the house and installation of facilities for wheelchair use including the installation of a lift and new staircase. Approved 27/10/2022
- 3.3. BH2021/03352 - Remodelling of the house and installation of facilities for wheelchair use including the installation of a lift and new staircase. Approved 23/11/2021

### **Application description**

- 3.4. The application seeks permission for roof alterations and extension including raising the roof ridge height, erection of single storey front extension and two-

storey rear extension, with changes to the front boundary treatments. The works would alter the appearance substantially with the complete removal of the hipped roof, and new gables created to the front and rear, remodelled in a modern contemporary style with large areas of glazing.

- 3.5. The plans have been amended during the course of the application to reduce the bulk and massing of the development, and remove rear balconies and amount of rear fenestration, to minimize adverse amenity impacts to neighbouring properties.

#### 4. REPRESENTATIONS

- 4.1. Comments have been received from **six (6)** different interested parties objecting to the proposed development on the following grounds:

- Noise
- Overdevelopment
- Height
- Overshadowing
- Loss of daylight
- Out of character with area
- Insufficient parking
- Loss of views
- Demolition of existing building
- Loss of sunlight
- Incorrect calculations/conclusions in daylight and sunlight report

- 4.2. Comments have been received from **four (4)** different interested parties supporting the proposed development on the following grounds:

- In keeping with the diverse character of the street
- Good design
- Many bungalows remodelled
- Minimal overshadowing
- Design in keeping with recent developments in the road
- Good intensification of existing property

#### 5. CONSULTATIONS

- 5.1. **County Archaeology:** 14/09/2023 Comment  
Based on available evidence, we do not believe that any significant archaeological remains are likely to be affected by this proposal.
- 5.2. **Brighton & Hove Archaeological Society:** 17/10/2023 Comment  
Suggest County Archaeologist contacted for comment, due to finds in the area.
- 5.3. **Sustainable Transport:** 02/11/2023 Verbal Comment
- 5.4. The applicant is proposing the removal of the garage, and this means that a parking space will be lost. There appears to be space for one vehicle to park on

the hardstand without overhanging on the footway. Parking Standards SPD14 states a maximum of 1 car parking space for 3 - 4+ bedroom dwellings in outer areas. The proposed amount is within the maximum standards and therefore acceptable.

- 5.5. The removal of the garage means that a cycle parking space will be lost. SPD14 requires a minimum of 2 cycle parking spaces for 3 - 4+ bedroom dwellings. The plans show cycle parking storage to the southern elevation for two cycles. Further design details required, and we would therefore request a cycle parking scheme condition to be attached.
- 5.6. The proposed changes are likely to increase the number of trips to the location however, those are unlikely to generate significant reason for objection.

## **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. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

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

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

#### Brighton & 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
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact upon residential amenity.

Design and Appearance:

- 8.2. This remodelling would require the complete removal of the existing hipped and flat roof, and its replacement with new two storey extensions and a substantial new dual gable ended roof scape. New rooflights would be provided to each side of the gable roof and in the centre. The garage would be converted and incorporated into the main living accommodation on the ground floor and extended above. The remodelling would have significant amounts of glazing to the front and rear in new positions on the proposed extensions, with Juliette style balconies to the first floor front.
- 8.3. The current building is finished with a mixture of red brick and white render to the elevations, with brown plain tiles to the pitched roof areas, and white uPVC windows and doors. The proposed remodelling would see the use of red brick on the ground floor and black timber cladding with cedar fins at first floor. It would have brown tiles on the pitched roof areas and black powder coated aluminium windows and doors, overall creating a contemporary appearance.
- 8.4. The existing property is located on a slope which runs downwards from north to south in this part of Westmeston Avenue, following the road. The host property is located between No.5 Westmeston Avenue to the north and No.1 Westmeston Avenue to the south, both of which are bungalows with No.5 having accommodation in the roof. Due to the gradient, the ridge height of No.5 is almost 2 metres higher than No.3, and No.1 has a ridge height approximately 1 metre lower than No.3. Therefore the properties currently step down in height roughly following the gradient of the road.
- 8.5. The proposed remodelling would retain this stepping down of ridge heights, albeit with a differing roof form and visual appearance, with a lower ridge height than No.5 and the proposed gables also stepping down in height across the site.
- 8.6. SPD12 states that:  
*"Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography."*
- 8.7. The proposed works would result in a substantial increase in the size, bulk and massing over the existing property, and have been designed to accommodate the desired design and internal space rather than necessarily complement the

host property. The additional depth and height would be visible in views along Westmeston Avenue due to the siting and scale of adjoining properties. However It is considered that the proposed remodelled building when viewed from the street would not visually overpower the adjoining properties and continues to reflect the stepping down of ridge heights and eaves of buildings as you traverse south along the avenue. It is recognised that it would be a substantial increase in size over the existing dwelling, but it is not considered to be out of keeping with the area in terms of its scale.

- 8.8. The principle of roof alterations is acceptable, and the current design, although relatively complicated, would not bring any significant harm in the context of the mixed and varied streetscene, which is has no overriding vernacular that must be adhered to, and is not within a conservation area.
- 8.9. The proposed elevational treatments and use of increased glazing are not considered harmful to the host property and wider area, which exhibits varied fenestration designs and elevational treatments, with a very varied palette.
- 8.10. The proposal would create new bathrooms, study, gym, bedrooms, and living space (over 193 square metres total internal space) that would overall improve the internal standard of accommodation and is in accordance with policy DM1 of the Brighton and Hove City Plan Part Two.
- 8.11. The extensions and alterations are on balance considered to be suitable additions to the building that would not significantly harm its appearance or that of the wider area, in accordance with policy DM21 of the Brighton and Hove City Plan Part 2 and SPD12 guidance.

Impact on Residential Amenity:

- 8.12. A site visit has been carried out, which included internal and external access to the application property (No.3) and No.1 Westmeston Avenue to the south.
- 8.13. The substantial form of the works extending to the front, side and rear would lead to some increased impact on the neighbouring properties. The increased height and bulk of the second storey southern extensions would increase the enclosure and overshadowing of No.1 Westmeston Avenue. However as the extensions would not extend past the rear of this property, and would be set back from the boundary with a pitched roof form, and with the majority of works being adjacent to side elevations of the respective properties, the level of harm is not considered so substantial that refusal on this element is warranted.
- 8.14. It is acknowledged that the development would reduce the sky views from the northern kitchen windows with some loss of daylight, but the outlook would not be significantly diminished as the existing boundary between No.3 and No.1 currently has a high level close-boarded fence. The views and outlook to the west from the existing kitchen window of No.1 would remain unaltered. It is considered the multiple windows ensure sufficient light and outlook to the kitchen of No.1.

- 8.15. The proposed extensions to the north would result in an increased impact on No.5 Westmeston Avenue with a significant increase in bulk and massing on the boundary due to the new roof from erected over the current flat roof. However, the harm is not assessed as significantly harmful as the garage of No.5 is located on the boundary, with the main dwelling set back nearly 4 metres from the boundary fence. The degree of overshadowing and overbearing is therefore limited, with the drop in land levels to No.3 also lessening the effects. The windows on the southern elevation of the ground floor will lose some views to the south, but the outlook that remains is considered acceptable.
- 8.16. A daylight and sunlight report has been provided which examines the proposed development and concludes, using BRE guidance, that the levels of light/sunlight would still remain at an acceptable level to No.1 and No.5 Westmeston Avenue.
- 8.17. The increase in overlooking from the rear first floor, following considerable amendments to the plans, is now considered limited due to the size and design of the proposed bedroom windows, with the cedar fins providing further oblique screening to the south west. The amount of rear first floor clear glazing is now comparable to the existing situation (albeit located south of the current dormer position). The other new proposed windows at the rear would be obscured glazed and non-opening below 1.7m in height, which would be secured by condition. The proposed roof lights the side elevations would be high level or serving the proposed stairwell, providing skyward views, and are not considered to cause any significant overlooking. The front facing windows and Juliet balconies would be looking over front garden areas and the highway towards development on the other side of the road so would cause little, if any harm to amenity due to the high levels of existing mutual overlooking at ground and first floor for properties on the avenue, which would remain.
- 8.18. It is therefore considered, with proposed conditions, that the proposed extensions and works would not cause significant harm to amenity, in accordance with Policy DM20 of City Plan Part Two.

#### **Other Matters**

- 8.19. Concern has been raised in objections that the proposed development has too little parking provision. Highways Officers have confirmed the loss of the garage and provision of only one parking space is acceptable and meets the maximum requirements of SPD14 parking standards. Cycle parking details would be secured by condition.
- 8.20. Objections have been raised in respect of the complete demolition of the property following the serving of a demolition notice on adjacent properties by building control. The agent has clarified that the application is for remodelling and not complete demolition and rebuild, noting that the demolition notice was in relation to removal of the roof and partial external walls rather than the building in its entirety.
- 8.21. Comments have been made in relation to the methodology and calculations used for the daylight and sunlight report. The LPA has no reason to believe the

methodology or conclusion is fundamentally flawed. The sources of information state that Ordnance survey (OS) data, OS mapping and proposed drawings have been used to inform the report.

## **9. EQUALITIES**

- 9.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 9.2. The proposed development would remove the steps to the front entrance and provide level access, improving accessibility for those with mobility or visual impairments.

## **10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The proposed works would modernise and increase the flexibility of an existing property and its energy efficiency. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and bee brick within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as SPD11.

## **11. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS**

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





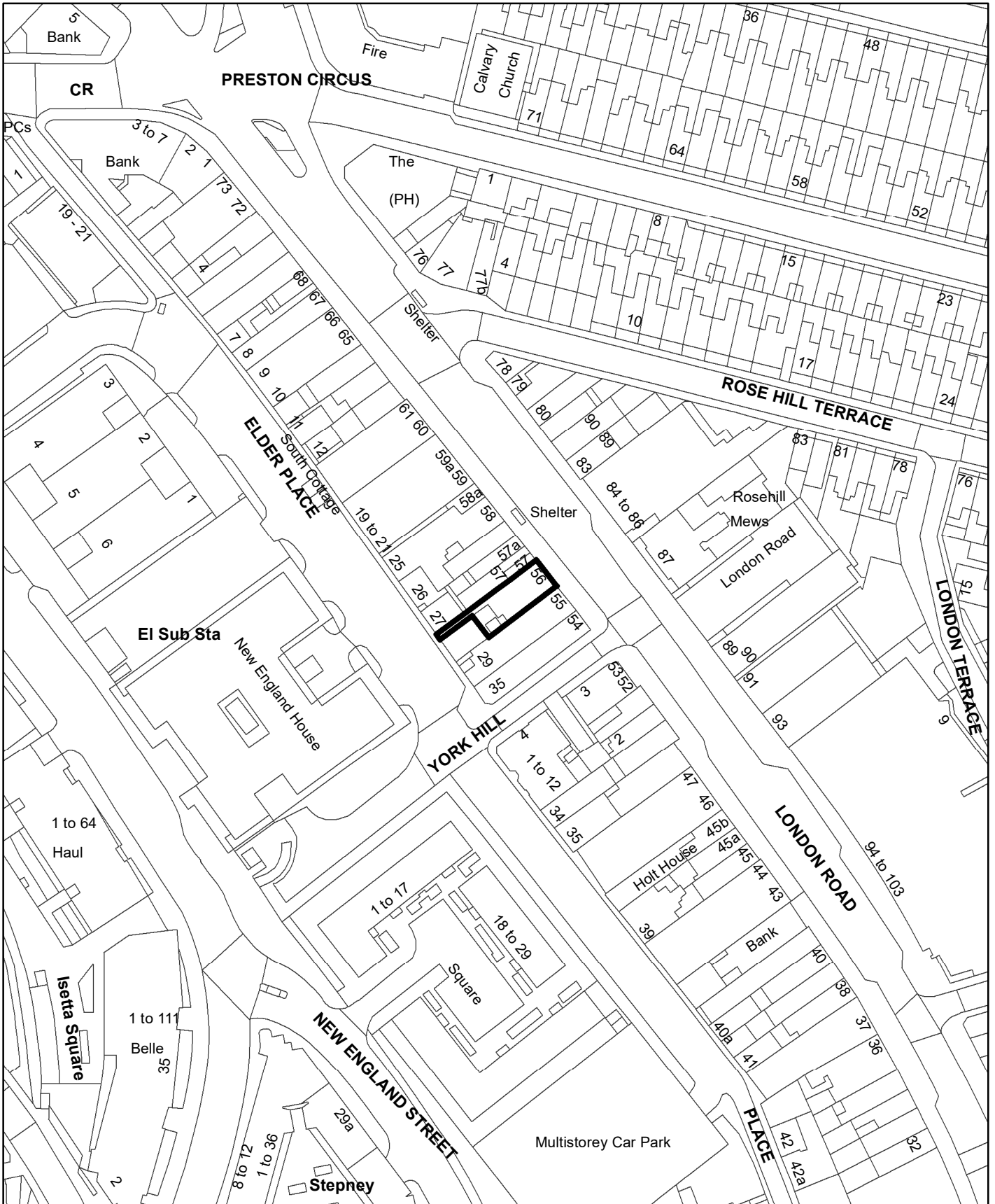
# **ITEM M**

**56 London Road  
BH2023/02906  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> February 2024**



# BH2023 02906 - 56 London Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02906</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>56 London Road Brighton BN1 4JE</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension, re-positioning of existing compressor units (retrospective).</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	30.11.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.01.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Pegasus Planning Group Ltd Equinox North Great Park Road Bristol BS32 4QL		
<b><u>Applicant:</u></b>	DPSK Ltd C/O Pegasus Planning Group Ltd Equinox North Great Park Road Bristol BS32 4QL		

## 1. RECOMMENDATION

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

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	5325-LP-08B		29 November 2023
Block Plan	C5325-BP09	A	31 October 2023
Proposed Plans	C5325-A5-05	B	22 January 2024

2. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

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

3. Within six (6) months of the decision date cycle parking facilities for three cycles in the location shown on the approved 'Existing Plan and Elevations Refit (ref. C5325-A5-05, received on 29 November 2023) shall be provided on site and retained for this purpose throughout the use of the site, unless otherwise agreed in writing by the Local Planning Authority.

**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.

Informatives:

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

## 2. SITE LOCATION

- 2.1. The application site is to the rear of no.56 London Road, which is currently occupied by a Dominos pizza delivery/takeaway shop (sui generis use - outside of any planning use class). The site fronts London Road, with the rear backing on to properties on Elder Place, to which a pedestrian access is provided.
- 2.2. There was previously a single storey rear extension to the site but this has been replaced with a full width rear extension which forms part of the present application. Similarly, there are compressor units to the rear but their position has been altered which also forms part of the present application.
- 2.3. The site adjoins properties on Elder Place where a live-work unit was approved by planning permission ref. BH2000/00873/FP and a reconfiguration was approved by BH2014/01943.

## 3. RELEVANT HISTORY

- 3.1. **BH2011/00657** Application for Approval of Details Reserved by Condition 4 of application BH2010/02854. Approved 05.05.2011
- 3.2. **BH2010/02854** Change of use from retail (A1) to hot food take-away (A5) incorporating new shop front and installation of extract duct. Approved 31.01.2011
- 3.3. **BH2003/00213/FP** Single storey rear extension (Re-Submission of application BH2002/02500/FP) Approved 12.03.2003
- 3.4. **92/0879/FP** Ground floor rear extension, first and second floor side extension, new shopfront and use of first and second floor as maisonette. Approved 16.09.1992

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for the erection of a single storey rear extension and the re-positioning of existing compressor units. Re-consultation was carried out following the addition of the compressor units to the application. During the course of the application, the applicant confirmed that an acoustic enclosure was proposed to house the units which has been added to the scheme.
- 4.2. The retrospective nature of the application is not a material consideration. Seeking planning permission retrospectively is a valid course of action.

## 5. REPRESENTATIONS

- 5.1. Two (2) representations from one (1) individual have been received, objecting to the proposal on the following grounds:
- Inappropriate height of development.
  - Noise from business, staff and compressor units.
  - Overshadowing.
  - Overdevelopment.
  - Too close to the boundary.
  - Reduction in natural light from the erection of the extension.
  - Bright light entering neighbours properties causing sleep disruption.
  - Waste bins causing environmental health risks.
  - Proposal erected without consent.
  - Extension used for staff smoking breaks.
  - Discrepancies in the plans provided.
  - Alterations of the flues location detrimentally impacts neighbours air quality.
  - Additional costs to bills due to increased requirement of artificial light.
  - Concerns about the neighbour response date of the 5th of January as this falls over the Christmas holidays.
  - Refuse management has not been correctly implemented.
- 5.2. **Councillor Mcleay** has also objected to the application, raising the same issues as noted above, and asked that it be heard by the Planning Committee. A copy of their representation is attached.

## 6. CONSULTATIONS

- 6.1. **Environmental Health:** Comment  
We have only received complaints about smoke and odour from the premises at the above address so far, however, it is possible that noise sensitive receptors may be affected by the repositioning of the compressors.
- 6.2. Therefore, I recommend that the developers provide documentation showing that any noise associated with the repositioned plant and machinery incorporated within the development has been controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, does not exceed a level equal or below the existing

LA90 background noise level. Rating and existing background noise levels should be determined as per the guidance provided in BS 4142:1997. In addition, the document should demonstrate that there are no significant low frequency tones present.

6.3. Furthermore, the applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, vibration, odour, and/or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.

6.4. **Sussex Police Summary**

I have no concerns from a crime prevention viewpoint.

6.5. **Transport Verbal**

Further details of cycle parking scheme is required for a minimum of three parking spaces. These should ideally be Sheffield Stands.

## 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 & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP4	Retail provision
CP12	Urban design

Brighton & Hove City Plan Part Two (CPP2)

DM20	Protection of Amenity
DM21	Extensions and alterations



DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents

SPD02 Shop Front Design  
SPD12 Design Guide for Extensions and Alterations  
SPD17 Urban Design Framework

Other Documents:

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3e

**9. CONSIDERATIONS & ASSESSMENT**

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

Principle of Development

9.2. As noted above, the site previously had an extension at the rear, which was some 5.0m in depth, 3.0m in width and 3.0m in height. The compressor units were situated on top of each other, as approved by BH2011/00657. This was incorrectly shown on the originally-submitted 'pre-existing' plans where they are indicated as being side by side, but this is not considered to materially affect consideration of the application.

9.3. The site can be used in its entirety for purposes relating to the commercial use as a takeaway. The present scheme would form part of this use so is considered in principle. As noted above, the retrospective nature of the application is not a material consideration.

Design and Appearance

9.4. The application the subject of this application has already been built, and extends some 4.2m from the rear wall, is 6.0m in width and 2.6m in height with a flat roof. The existing compressor units have been re-located to the south east elevation. The extension is reduced in depth and height over what was previously on site but has increased in width.

9.5. The extension is fairly utilitarian in appearance, however, this would not be more detrimental than the appearance of the pre-existing extension, particularly given the location to the rear of the property, at single storey in height, within an enclosed yard. This being the case, the scheme would not be detrimental to the character and appearance of the streetscene because it is not visible from the public realm, and noting the appearance of the pre-existing extension. The compressors were already on site but have been relocated which is not considered to result in any impact on the appearance of the area. The acoustic enclosures would not be visible from the streetscene or public realm so would have no visual impact.

- 9.6. The scheme is considered appropriately designed and subordinate, particularly given the pre-existing situation.

Impact on Residential Amenity:

- 9.7. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.8. While wider than the pre-existing extension, the existing extension is set back further from the dwelling at no.28 Elder Place which is considered beneficial in terms of impact on these residents. Given this location, the orientation of the site and the single storey height of the building, it is not considered to result in any increased loss of light.
- 9.9. Concerns have been raised in objections about air quality, noise from the compressor units and staff/business activity of no.56. However the nature of the use would remain unchanged, and the scale of the extension is minor, particularly noting what was previously in place. The yard could be used by the business as part of its operation so it is considered that enclosing some of the operation within a building would have benefits in terms of impacts on residential amenity.
- 9.10. During the process of the application new plans were provided showing the addition of an acoustic enclosure for the compressor units. This change is minor and as such a change in description or consultation was not considered to be required. These enclosures would benefit the amenity of residents through reduced noise levels.
- 9.11. The Environmental Health Officer has not raised an objection to the compressor units, particularly as they were already in situ, albeit in a different position. A condition managing the noise levels has been recommended to ensure noise outputs are acceptable.
- 9.12. In addition, no objections have been raised by the Environmental Health Officer to the fresh air intake and water heater flue. The oven extract system remains as pre-existing.
- 9.13. Objections also raise concerns about lighting but this does not form part of the application and can be installed without planning permission. If this remains a concern this should be reported to the Environmental Health Team. Concerns about waste management and refuse collection should be reported to Environmental Health Team also. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Other Matters

- 9.14. Concerns about the cost of artificial lighting raised in objections are not a material planning consideration.

- 9.15. Objections have commented on the consultation taking place over the Christmas period. However, this cannot be avoided, and the consultation accorded with the legal requirements, with an additional week allowed to account for bank holidays.
- 9.16. The Transport Officer has requested that secure cycle parking be provided. A condition requiring details and instalment of secure cycle parking has been recommended.

#### Conclusion

- 9.17. The scheme is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents.
- 9.18. For the foregoing reasons the scheme is considered to be in accordance with policies CP12 of the Brighton and Hove City Plan Part One, and DM20 and DM21 of the City Plan Part Two.

### **10. EQUALITIES**

- 10.1. 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. There is no indication that those with any of these protected characteristic would be disadvantaged by this development.

### **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.





## PLANNING COMMITTEE LIST

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

**Cllr. Ellen McLeay**  
**BH2023/02906 – 56 London Road**

**11/01/24:**

Please could you note my objection for this application and add it to the comments as part of the consultation.

#### Objection to planning application BH2023/02906

Writing on behalf of a local resident, I object to this retrospective planning application to further develop a single storey rear extension at 56 London Road (Dominos), based on the following material considerations;

#### Loss of light or overshadowing

Although this development is to the rear of the Dominos business premises, the development of this extension (started prior to receiving planning permission) has been incredibly disruptive to the family living in the adjacent property. The resident has confirmed that the development has caused significant loss of natural light, directly affecting their living space. As a result, they need to turn on more electrical lights while indoors, which in turn is increasing their bills.

#### Layout and density of building

Prior to the development of this extension there was a small shed structure, the compressors were positioned a good distance away from the residential building, there was no powerful industrial lights in place, and the shed had little impact on the close proximity of the windows and airflow.

Now however, with the construction of the extension very much underway, the structure now fills the width of the courtyard and has brought everything into close proximity of the residential property. Often smelly refuse bags and used food trays (stacked high) are left under the resident's kitchen and dining room windows, and a powerful light is positioned towards the windows (the light is consistently on until the business closing time of 4am).

The new boiler flue is also facing the resident's kitchen and dining room windows, affecting air quality.

A new door has also been put in facing the resident's windows – which is impacting on the privacy of their home living space.

#### Noise

The neighbouring family have experienced significant disruption to their ability to sleep from the noise from compressors during the evening hours. Staff using the outside area (shouting, laughing and watching videos) have also disrupted the family's sleep.

The planning application suggests that the extension provides insulated walls which help to reduce any potential for noise and odours from the plant equipment at the rear of the takeaway travelling to residential properties, further improving their amenity – however, this means nothing to the neighbouring residents if the refuse is being left outside under their windows and staff are



## PLANNING COMMITTEE LIST

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

standing outside below those same windows taking a break, laughing, shouting and having no regard for the privacy and wellbeing of the residents who are trying to sleep during those night time hours.

This retrospective planning application has already presented a high level of disruption for these residents. At no point were the residents notified about the development prior to it starting and have been at the mercy of its negative impact since it commenced. I request that the planning committee take on board the concerns of the neighbouring residents and refuse this application.

# PLANNING COMMITTEE

## Agenda Item 83

Brighton & Hove City Council

### NEW APPEALS RECEIVED 07/12/2023 - 10/01/2024

#### WARD

#### **BRUNSWICK & ADELAIDE**

APPEALAPPNUMBER

BH2023/00415

ADDRESS

61 Church Road Hove BN3 2BD

DEVELOPMENT DESCRIPTION

Conversion at lower ground floor from office storage (Class E) to residential to form 1no. one bedroom flat (C3). (Part Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

12/12/2023

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **CENTRAL HOVE**

APPEALAPPNUMBER

BH2022/03829

ADDRESS

1 - 2 George Street Hove BN3 3YA

DEVELOPMENT DESCRIPTION

Redevelopment of existing ground floor commercial unit (E) and erection of additional storeys to create 9no. residential units (C3) in a three to four storey mixed-use commercial and residential building.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

02/01/2024

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **PRESTON PARK**

APPEALAPPNUMBER

BH2023/02375

ADDRESS

8 Bavant Road Brighton BN1 6RD

DEVELOPMENT DESCRIPTION

Erection of single storey shed to front of property.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/01/2024

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **WEST HILL & NORTH LAINE**

APPEALAPPNUMBER

BH2023/01855

ADDRESS

38 North Gardens Brighton BN1 3LB

DEVELOPMENT DESCRIPTION

Alterations to existing single-storey rear extension to create a ground-floor roof terrace with a new door for access.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/12/2023

APPLICATION DECISION LEVEL

Delegated







**Brighton & Hove  
City Council**

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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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 85

Brighton & Hove City Council

### **APPEAL DECISIONS FOR THE PERIOD BETWEEN 15/12/2023 AND 23/01/2024**

<b><u>WARD</u></b>	<b>HOLLINGDEAN &amp; FIVEWAYS</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2023/00076
<b><u>ADDRESS</u></b>	236 Ditchling Road Brighton BN1 6JF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey double garage on land to rear of existing dwelling fronting Ditchling Gardens.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2023/00133
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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