

Planning Committee

Date: **8 May 2024**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

104 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.

105 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meeting held on 3 April 2024.

106 CHAIR'S COMMUNICATIONS

107 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 2 May 2024.

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

109 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

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

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

MAJOR APPLICATIONS

- | | | |
|---|---|-----------------|
| A | BH2023/02835 - Royal Pavilion Gardens, Pavilion Buildings, Brighton - Full Planning | 17 - 46 |
| B | BH2023/02836 - Royal Pavilion Gardens, Pavilion Buildings, Brighton - Listed Building Consent | 47 - 68 |
| C | BH2023/02349 - Enterprise Point And 16-18 Melbourne Street, Brighton - Full Planning | 69 - 130 |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| D | BH2024/00477 - 3 Westmeston Avenue, Saltdean, Brighton - Full Planning | 131 - 148 |
| E | BH2024/00077 - West House, 34B Preston Park Avenue, Brighton - Full Planning | 149 - 162 |
| F | BH2023/03432 - Flat 13, St Gabriels, 18A Wellington Road, Brighton - Full Planning | 163 - 178 |

- | | | |
|---|--|------------------|
| G | BH2024/00243 - 10 Tumulus Road, Saltdean, Brighton - Full Planning | 179 - 190 |
| H | BH2023/03111 - 22 Eley Crescent, Rottingdean, Brighton - Full Planning | 191 - 204 |

INFORMATION ITEMS

- | | | |
|------------|--|------------------|
| 110 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

(copy attached). | 205 - 206 |
| 111 | INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(copy attached). | 207 - 208 |
| 112 | APPEAL DECISIONS

(copy attached). | 209 - 210 |

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

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

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

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

FURTHER INFORMATION

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

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

Date of Publication - Tuesday, 30 April 2024

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 APRIL 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Cattell, Nann, Robinson, Shanks, C Theobald, Winder, Sheard (Substitute), Earthey (Substitute) and Miller (Substitute)

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Matthew Gest (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Planning Officer), Chris Swain (Planning Team Leader), and Shaun Hughes (Democratic Services Officer).

PART ONE

95 PROCEDURAL BUSINESS

a) Declarations of substitutes:

95.1 Councillor Sheard substituted for Councillor Allen. Councillor Miller substituted for Councillor Thomson. Councillor Earthey substituted for Councillor Fishleigh.

b) Declarations of interests:

95.2 Councillor Shanks declared they were a trustee of the Brighton Pavilion, however they remained of an open mind in relation to the planning application on the agenda. Councillor Miller declared that they had been involved in discussions regarding the Brighton Hippodrome and would not take part in the discussions or vote for the Hippodrome application.

c) Exclusion of the press and public:

95.3 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.

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

d) Use of mobile phones and tablets

95.5 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'.

96 MINUTES OF THE PREVIOUS MEETING

96.1 **RESOLVED:** That the minutes of the meeting held on 6 March 2024 were agreed.

97 CHAIR'S COMMUNICATIONS

97.1 The Chair stated that Under the Council's constitution, where there is a vacancy in the office of Chair or Deputy Chair, Full Council or the relevant committee can make the appointment.

Nominations were as follows: Councillor Nann proposed Councillor Robinson, Councillor Cattell seconded the motion. No other nominations were submitted.

The committee agree the appointment of the new Deputy Chair of the Planning Committee as Councillor Robinson.

98 PUBLIC QUESTIONS

98.1 There were none.

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

99.1 There were none.

100 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

100.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation:

- Item D: BH2023/03197: 26 Arundel Drive East and 22-24 Arundel Drive East, Saltdean, Brighton BN2 8SL
- Item F: BH2024/00057 (PLA): Brighton Museum and Art Gallery, Pavilion Buildings, Brighton BN1 1EE
- Item G: BH2024/00058 (LBC): Brighton Museum and Art Gallery, Pavilion Buildings, Brighton BN1 1EE

All other applications were called for discussion, including major applications and those with speakers.

A BH2022/02443 - The Hippodrome, 51 & 52-58 Middle Street, Brighton - Full Planning

1. The Case Officer introduced the application to the committee and provided a verbal update clarifying amendments proposed to the conditions schedule. The case officer also reported two late representations received, one from the Council's Culture and Tourism Team and another from the Hippodrome CIC. Neither representation raised matters not already considered within the report.

Speakers

2. Tom Clarke of the Theatre Trust addressed the committee and stated that the changes made to the development following comments were welcomed. It was noted that there was limited space inside the building and the loss of interior decorations was an issue. The S106 agreement was good, as was the events and services plan. The Palm Court should be protected and form part of the development plan. The committee were asked to ensure they understood the scheme and were requested to seek further revisions.
3. Ward Councillor Goldsmith addressed the committee and stated that they were in favour of the application which was considered to bring new life to the building, which was considered to have huge heritage value. The development protects the asset to the area and city as a whole. The positive elements of the scheme are supported by residents and the local MP, Caroline Lucas. There are some objections. A lyric theatre style of performance space would be better, however, there is no funding for this idea. The project needs to be viable. The committee were requested to agree the application.
4. Simon Lambor addressed the committee as the agent acting on behalf of the applicant and stated that the family run development company bought the hippodrome 3¹/₂ years ago after the building had been neglected for many years. Some of the ceiling has been lost, however £5m has been invested into the building roof already and some ceiling plaster has been saved. The building has been through a variety of uses including music hall and the proposed scheme will keep that variety of uses. The committee were requested to approve the application so works can continue to save the existing building.

Answers to Committee Member Questions

5. Councillor Theobald was informed that the standing capacity would be around 1,800 with 400 seated. The toilets would be planned by the operator of the site, and there was currently no operator. The loss of the Palm Court mouldings was deemed acceptable. The interiors plan was not assured yet; however, the council would encourage saving the existing plaster columns. The agent confirmed the columns were to be saved in the Palm Court.
6. Councillor Robinson was informed by the agent that there would be two reception areas and two phases to the works. It was hoped that both phase one and two would be managed by the same company. The case officer confirmed that there would be two receptions, but one aparthotel with a condition to secure it as one operation and the bar would in phase one. There would be two rooftop bar areas and one would be enclosed, and the doors conditioned to close at 10.30pm. It was confirmed that Middle Street is one way and delivery trucks would come from the south and continue north into Ship Street to exit. Trucks would not be reversing down Middle Street. A delivery management plan was required by condition.

7. Councillor Earthey was informed that the Grade II* listed building would be using sustainable energy by condition and careful roof installation would be required.
8. Councillor Shanks was informed that the roof terrace seating would be raised and set back facing Middle Street. Seating outside the building on the street would be limited and require a licence from Highways. The agent confirmed the terrace would be obscured by the stair tower and projection room, plus a 1.2m high parapet wall.
9. Councillor Sheard was informed that phase two will be started after the auditorium has been completed and operating. The council's Highways team will work with the construction company to resolve the delivery of building materials. It was confirmed that the street waste bins could be moved to ensure the vehicle tracking plan worked.
10. Councillor Loughran was informed that the delivery trucks would leave the site in forward gear through the old town. The route and hours would be agreed by condition.

Debate

11. Councillor Theobald considered the works already carried out were wonderful. The hippodrome was a unique building. A large-scale theatre would be preferred. The councillor was glad the aparthotel has been reduced. The change of office space to rehearsal space was a good thing. The building was an asset, and the councillor was glad it was to be saved. The councillor supported the application.
12. Councillor Shanks considered the application to be good for this important building. The ceiling was considered to be fantastic, and the councillor would like to see it finished.
13. Councillor Cattell considered the application to be a once-in-a-lifetime opportunity to rejuvenate the building. The councillor considered the city required a medium size performance space and supported the application.
14. Councillor Earthey complimented the developers, even though the councillor considered the delivery lorries would be an issue. The councillor supported the application.
15. Councillor Robinson considered the developer to be doing a great job, however, they had a few concerns. Overall, the councillor supported the application.
16. Councillor Nann supported the application.
17. Councillor Sheard considered the scheme to be a wonderful opportunity to create a great amenity in the lanes, which would pull people to this part of the city. The councillor considered it to be good that the developer was a family business.
18. Councillor Winder considered the scheme to be a wonderful opportunity and they supported the application.
19. Councillor Loughran considered the building to be a very important heritage asset and the loss would be significant. The councillor considered the developer was doing a good

job and the scheme would have limited impact on the area. The councillor supported the application.

Vote

20. A vote was taken, and the committee unanimously agreed the officer recommendations. (Councillor Miller took no part in the discussion process or the vote).

21. **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) Completion of a s106 Agreement and secure the Heads of Term as set out below:

- Employment and Training Strategy
- Contribution of £70,800 for Employment and Skills Training
- Contribution for monitoring obligations (Events Management Plan)
- Contribution for monitoring obligations (Delivery and Servicing Management Plan)
- Contribution for monitoring obligations (Travel Plan)

B) The Conditions & Informatives set out at Appendix B **SAVE THAT** should the s106 agreement not be completed on or before 3rd August 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of the report.

B BH2022/02444 - The Hippodrome, 51 & 52-58 Middle Street, Brighton - Listed Building Consent

1. The case officer introduced the application to the committee.
2. The Listed Building Consent was discussed at the same time as the planning application. For minutes, please see BH2022/02443.

Vote

3. A vote was taken, and the committee unanimously agreed the officer recommendations. (Councillor Miller took no part in the discussions or the vote).

4. **RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives in the report.

C BH2022/01500 - St Margaret's Church, The Green, Rottingdean, Brighton - Full Planning

1. The Case Officer introduced the application to the committee.

Speakers

2. Erica Partridge addressed the committee as an objecting resident and stated that they had carried out forensic work on the application and were concerned that the committee had not visited the site which is grade II* listed and therefore very important. Living opposite the church the extension seemed unnecessary as the proposals would cause harm to the north wall and the Edward Burne-Jones window. The new windows are considered ugly and not in keeping with the building and area. The proposals look like a supermarket or public toilets. The extension will cause harm to the existing windows. The planning committee should decide; however, the extension is not needed.
3. Reverend Anthony Moore addressed the committee as the applicant and stated that they had been vicar at the church for 7 years and noted that the church was a registered charity with trustees, who manage the resources and finances. There is a need to protect the building and the English Heritage officers have been working with the church, allowing the church to flourish whilst serving the wider community. As Easter Sunday proved additional space is needed for wheelchair users, parents with babies and others. The church has been in contact with user groups, looking at ways to utilise the church, reduce running costs and maximise income. The ecological impact of the development is appreciated, and measures have been taken to mitigate any harm to the environment. The pastoral sensitivity is noted, and the works are considered respectful.
4. Jim Gowans of the Conservation Advisory Group addressed the committee and asked if any existing views of the north elevation had been shown to the committee. It was confirmed that 3D visuals had been shown and existing elevations.

Answers to committee Member Questions

5. Councillor Earthey was informed that the north elevation was chosen as the best option for the scheme following extensive pre-application advice. It was noted that the Burne-Jones window would be protected by condition and the Saxon doorway would be re-opened as a fire exit. The Saxon walls would remain undamaged, and an archaeologist would be on site during the works.
6. Councillor Nann was informed by the applicant that the congregation had been consulted in a survey in 2019. It was noted that the survey results showed that the congregation considered the facilities inadequate, space was needed with separate heating and lighting.
7. Councillor Miller was informed that the church holds 200 people comfortably. It was noted that the church needed to be more accessible.
8. Councillor Theobald was informed that all options had been explored with regard to location, and the northern elevation was considered to minimise the impact and therefore the best location. A single storey extension was not considered to be in keeping. A two-storey extension was considered to be more acceptable against the existing building.
9. Councillor Cattell was informed by the objecting resident that the scheme would be 60m from the neighbours in Tudor Close and in a prominent view and officers clarified that at the nearest point the development would be 25-30m from Tudor Close although where the objector lived within Tudor Close was unknown.

10. Councillor Miller was informed that the Burne-Jones window is high up in the elevation and part of the first-floor extension would include a rooflight to still provide natural light the window.
11. Councillor Winder was informed that the stained-glass windows would be protected during the works by condition.
12. Councillor Loughran was informed that the Tudor Close properties were sufficiently away from the proposed works which were considered to have no overbearing impact.

Debate

13. Councillor Shanks considered the proposals to be in keeping and they noted the Burne-Jones window as an asset to the building.
14. Councillor Cattell considered the churches need to move forward and disability access was very important. The councillor supported the application.
15. Councillor Nann noted the changes were supported by the congregation and they supported the application.
16. Councillor Robinson noted the applicant had done a lot of work and the church needed to move forwards. The councillor supported the application.
17. Councillor Miller considered the church needed to be good for the community. The councillor supported the application.
18. Councillor Winder considered the application was good for the community and supported the application.
19. Jim Gowans of the Conservation Advisory Group reminded the committee to weigh the impact on the north elevation of the listed building against the public benefits.
20. Councillor Theobald considered the materials to fit the existing building, the proposals to provide good facilities and it would be difficult not to grant planning permission. The councillor supported the application.
21. Councillor Earthey considered the building was protected by conditions and supported the application.
22. Councillor Loughran considered the church to be spectacular following a site visit. The extension was in the right place to minimise the harm. The church needs to survive. The congregation is large and there are many visitors to the church and commonwealth graves in the graveyard. The councillor considered the heritage test had been met.

Vote

23. A vote was taken, and the committee unanimously agreed the officer recommendations.

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

D BH2023/03197 - 26 Arundel Drive East and 22-24 Arundel Drive East, Saltdean, Brighton - Full Planning

1. The case officer provided a verbal update on the application to propose an amendment to a condition which no longer would refer to Use Class C2(a) and would refer to C2 only. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

E BH2023/03432 - Flat 13, St Gabriels, 18A Wellington Road, Brighton - Full Planning

1. The Case Officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Shanks was informed that the application dwelling was a flat.
3. Councillor Miller was informed that the committee needed to look at the application before them and there was a shortage of cheap housing in the city. It was noted the living room window would face east and the external changes to building were to be kept to a minimum. It was also noted that the existing flats were constructed 5 years ago so the thermal insulation was good. The case officer noted that conditions needed to be reasonable and a new rooflight by condition would not be reasonable.
4. Councillor Winder was informed that the kitchen and communal space covered 37sqm and this was acceptable. The storage space was 5sqm, the small bedroom was 15sqm and the double bedroom was 18sqm. There was also a shower room and a bathroom.
5. Councillor Loughran was informed that the building regulations would cover the insulation of the property. It was noted that the flat existed and access would remain the same. The application is to extend the flat. Sound insulation would be provided by condition and the building regulations. There would be a maximum of 5 persons, where there is 3 at present. It was not considered there would be much cumulative impact on the communal stairs.
6. Councillor Nann was informed that the House of Multiple Occupancy (HMO) would be for 5 people. It was noted 3 studio flats already exist in the space.
7. Councillor Robinson was informed that there would be a dormer window in the living room area.
8. Councillor Loughran was informed that there were 13 flats in the building at present, there was no outside space for the flats, however there were parks nearby.
9. Councillor Sheard was informed that the space to be converted was void.

Debate

10. Councillor Cattell noted that the building consisted of bedsits, and this was low-cost accommodation, for which there was a demand. Outside space would be good, however, here it is not possible. The councillor supported the application.
11. Councillor Sheard declared that they were undecided, and the design was a concern, with a studio flat being turned into a 3-bed flat. Lack of communal space was a concern; however, housing was needed.
12. Councillor Robinson agreed that cheaper housing was required, however, they considered this space a challenge. The councillor did not support the application.
13. Councillor Winder expressed concerns for future occupiers and considered a more flexible house would be better. The councillor had doubts about the application.
14. Councillor Miller noted that housing was needed, however, it needed to be good quality. The councillor had concerns over space and the impact on future occupiers. The councillor did not support the application.
15. Councillor Shanks considered there were no planning reasons to refuse the application. The councillor noted that HMOs were needed. The councillor supported the application.
16. Councillor Nann expressed concerns for the residents below the proposals.
17. Councillor Loughran expressed concerns that a site visit had not taken place.
18. Councillor Theobald considered the size of the rooms to be adequate and they therefore had no issues with the application.
19. Councillor Earthey proposed a motion to defer the application till a site visit could be made by the committee Members. Councillor Miller seconded the motion.

Vote

20. A vote was taken and by 9 to 1 the committee agreed to defer the application until a site visit could be arranged.

F BH2024/00057 - Brighton Museum and Art Gallery, Pavilion Buildings, Brighton - Full Planning

2. The case officer provided a verbal update on the application proposing an additional condition at the request of the applicants. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

G BH2024/00058 - Brighton Museum and Art Gallery, Pavilion Buildings, Brighton - Listed Building Consent

- 3. The case officer provided a verbal update on the application proposing an additional condition at the request of the applicants. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

101 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

102 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

103 APPEAL DECISIONS

- 103.1 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 5.44pm

Signed

Chair

Dated this

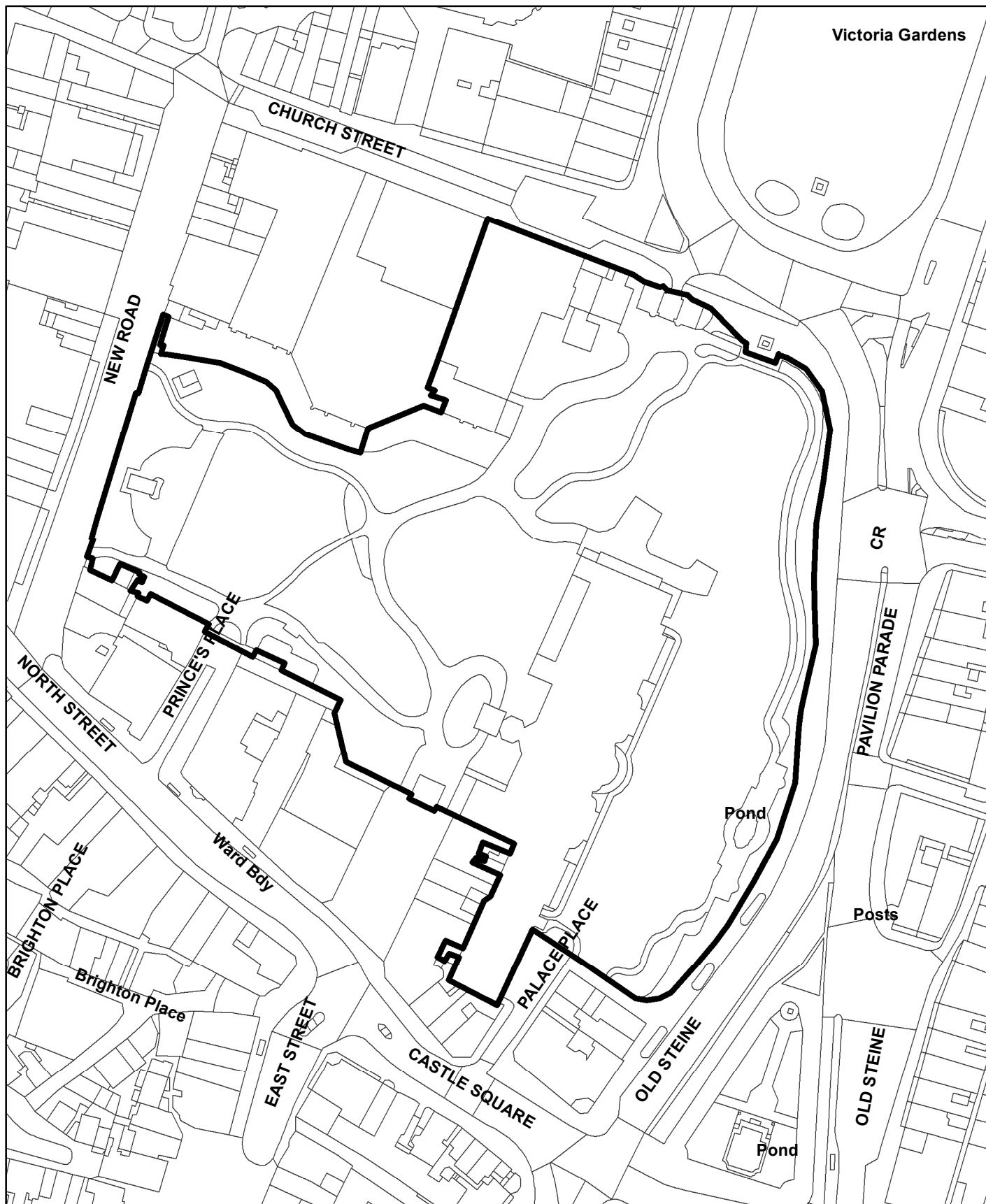
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ITEM A

**Royal Pavilion Gardens, Pavilion Buildings
BH2023/02835
Full Planning**

DATE OF COMMITTEE: 8th May 2024

BH2023 02835 - Royal Pavilion Gardens, Pavilion Buildings



Scale: 1:1,500

<u>No:</u>	BH2023/02835	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Pavilion Gardens Pavilion Buildings Brighton BN1 1EE		
<u>Proposal:</u>	Landscaping works to include the restoration and reinstatement of historic walls, metal railings and gates, restoration of existing 19C historic and existing modern replica lamp posts. Enhancement of planting, lawns, groundworks and removal of modern trees and hedging to the Western lawn and East/North East compartments to reinstate the Nash views. Alterations to existing paths, planting beds and fencing, improvements to drainage and irrigation systems. Remodelling of existing public WC block and installation of outdoor learning space with adjacent storage and hand wash area and any other associated ancillary development, including provision of public realm and landscaping improvements.		
<u>Officer:</u>	Steven Dover	<u>Valid Date:</u>	06.11.2023
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05.02.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.03.2024
<u>Agent:</u>	Allen Scott Landscape Architects 44 Newton Road Tunbridge Wells TN1 1RU		
<u>Applicant:</u>	Brighton & Hove Museums	Royal Pavilion	Pavilion Buildings Brighton BN1 1EE

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	Preliminary Ecological Assessment	J21177 _REV B	23 October 2023
Report/Statement	Arboricultural Impact Assessment	J21177 _Arb_B	17 April 2024
Report/Statement	DEVELOPMENT STAGE DESIGN REPORT	725-501A	15 April 2024
Proposed Drawing	725-104	A	15 April 2024
Proposed Drawing	725-101	A	15 April 2024
Proposed Drawing	725-102	A	15 April 2024

Proposed Drawing	725-103	A	15 April 2024
Proposed Drawing	725-100	A	15 April 2024
Proposed Drawing	725-105	A	15 April 2024
Proposed Drawing	725-202		23 October 2023
Proposed Drawing	725-205		23 October 2023
Proposed Drawing	725-204		23 October 2023
Proposed Drawing	725-207		23 October 2023
Proposed Drawing	725-350		23 October 2023
Proposed Drawing	725-213		23 October 2023
Proposed Drawing	725-211		23 October 2023
Proposed Drawing	725-214		23 October 2023
Proposed Drawing	725-212		23 October 2023
Proposed Drawing	725-354		23 October 2023
Proposed Drawing	725-209		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2000 P1		23 October 2023
Proposed Drawing	725-357	A	15 April 2024
Proposed Drawing	725-210		23 October 2023
Proposed Drawing	725-367	B	18 March 2024
Proposed Drawing	725-358		23 October 2023
Proposed Drawing	725-351		23 October 2023
Proposed Drawing	725-359		23 October 2023
Proposed Drawing	725-352		23 October 2023
Proposed Drawing	725-360		23 October 2023
Proposed Drawing	725-353		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2001 P1		23 October 2023
Proposed Drawing	725-361		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2004 P1		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2100 P1		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2200 P1		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-4000 P1		23 October 2023
Location Plan	725-001		23 October 2023
Location Plan			23 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. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenspace Ecological Solutions, October 2023, ref. J21177_RevB) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and as required by paragraphs 180 and 186 of the National Planning Policy Framework 2023, Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, Policy CP10 of the Brighton and Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

4. No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the measures in the Preliminary Ecological Appraisal (Greenspace Ecological Solutions, October 2023, ref. J21177_Rev B) has been submitted to and approved in writing by the local planning authority. The EDMMS shall include the following parts:
- a) Description and evaluation of habitat/features proposed (to include full updated Metric (using most current version) and details of condition assessments);
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full updated Metric (using most current version) and details of condition assessments);
 - c) Aims and objectives for the proposed works;
 - d) Site specific and wider ecological trends and constraints that might influence works;
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication;
 - f) Details of the legal and funding mechanism(s) by which the implementation of the EDMMS will be secured by the developer with those responsible for its delivery;
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works;
 - h) Works Schedule aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period;
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met; j) Details for on-going monitoring of BNG habitats in years 2, 5, 10, 15, 20, 25 and 30, and any other biodiversity features (where present), including:
 - o Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured;
 - o Methods for data gathering and analysis;
 - o Location, timing and duration of monitoring;
 - o Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority;
 - o How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

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

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 180 and 186 of the National Planning Policy Framework 2023, Policies CP10 of the Brighton and Hove City Plan Part One and DM37 of the Brighton and Hove City Plan Part Two, and BHCC's Interim Technical Advice Note on Biodiversity Net Gain (October 2022)

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.

6. Notwithstanding the approved plans, submitted Arboricultural reports and statements no works shall take place to the tree annotated T42 on the approved proposed masterplan (ref:725-100 A received on the 15th April 2024), without written confirmation from the LPA prior to any works commencing.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM22 and DM30 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance 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.

8. Prior to commencement of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after first use of the approved buildings. The scheme shall include the following:

- a) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of all mitigation/replacement trees for those removed.

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.

9. Notwithstanding the approved plans, prior to first use of the renovated toilet building, details of secure cycle parking facilities for the users of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first use of the approved buildings 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.

10. Notwithstanding the plans hereby permitted, the applicant is required to enter into a Section 278 agreement with the council as the Local Highway Authority and therefore no development shall commence until the scheme of all works on the public highway has been submitted to and approved in writing by the local planning authority. The works on Palace Place will include:

- New vehicular access and associated crossover
- Redesign of the footway

This scheme of works shall then form the basis for the detailed design to be included within the Section 278 agreement.

Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and passing by the site and road safety for all road users and to comply with CP7, CP9, CP11 and CP18 of the City Plan Part One and DM33 of City Plan Part 2.

11. Prior to the commencement of the development hereby approved, a Delivery & Service Management Plan, which includes details of:

- hours of access (restrictions),
- types of vehicles. This must include a swept path analysis, to ensure that any proposed vehicles can safely manoeuvre and access and egress the site in a forward gear, on
 - Princes Place,
 - Palace Place (including the right turn in and left turn out from Castle Square).

- frequency of use
- how deliveries will take place

shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policy DM33 and DM36 of the Brighton & Hove City Plan Two.

12. No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

The approved details shall thereafter be implemented in full throughout the construction of the development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policy DM33 and DM36 of the Brighton & Hove City Plan Two.

13. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a full construction method statement for all ground works within Root Protection Areas (RPA's) of retained trees, including materials and proposed protection measures in line with the submitted Arboricultural Impact Assessment and Method Statement received on the 17/04/2024 ref:J21177_Arb_B produced by Greenspace Ecological Solutions has been submitted to and agreed in writing. The approved methods shall be fully implemented for all works in the RPA's onsite during the proposed development.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two

14. Prior to installation of any railings or gates drawings at a scale of 1:5 with section details of all junctions at 1:1 of all railings and gates with full details of the proposed colour shall be submitted to and approved by the local planning

authority. All railings and gates shall be painted the approved colour within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

15. Notwithstanding the approved plans, the development hereby permitted shall not be commenced until the following details of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
- a) samples/details of brick, render and tiling (including details of the colour of render/paintwork to be used);
 - b) samples/details of all cladding and roof finishes to be used, including details of their treatment to protect against weathering;
 - c) samples/details of all hard surfacing materials;
 - d) samples/details of stone plinth and walls to be used in boundary treatments;
 - e) a schedule of all features to be removed, moved, replaced or reinstated, including photos/drawings/sections recording the features to be replicated along with 1:1 and/or 1:20 scale drawings of existing and proposed items;
 - f) a method statement for the works of repair to the existing lampposts and masonry balustrades;
 - g) full details, including 1:20 scale elevational drawings and sections of the proposed South Gate (India gate) and existing boundary walls and railings between 1-3 Pavilion Buildings and the Royal Pavilion building;
 - h) full details, including 1:20 scale elevational drawings and sections of the proposed bin store structure, materials and finishes;
 - i) full details, including 1:20 scale elevational drawings and sections of the proposed shed structures, materials and finishes;
 - j) full details, including 1:20 scale elevational drawings and sections and 1:2 scale sections of the new internal estate railings detailed as F7 and F8 on the approved plans;

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM27 and DM30 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is required to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) for necessary highway approval from the Local Highway Authority prior to any works commencing on the public highway to satisfy the requirements of condition. These works can only be agreed following

submitted documents being accepted and approved as part of the DSMP condition requested.

2. SITE LOCATION

- 2.1. The application relates to the grounds of the Royal Pavilion Estate, a Registered Park and Garden of Special Historic Interest, Grade II. The site contains the Grade I Listed Royal Pavilion and is located within the Valley Gardens Conservation Area.
- 2.2. To the north of the application site is the Grade I Listed Dome Theatre and associated buildings. To the west is the predominantly pedestrianised New Road and the numerous Listed Buildings including the Grade II* Listed Theatre Royal. To the south the site abuts Prince's Place, Pavilion Buildings and Palace Place, which comprise numerous locally and Grade Listed Buildings. The Old Steine/Pavilion Parade, the main north-south vehicular route into the city, lies immediately to the east of the site.
- 2.3. The nearest residential properties are in Prince's Place, Pavilion Buildings and Palace Place to the south fronting North Street, and there are also flats on the opposite side of Pavilion Parade to the east and New Road to the west.

3. RELEVANT HISTORY

- 3.1. **BH2023/02836** Landscaping works to include the restoration and reinstatement of historic walls, metal railings and gates, restoration of existing 19C historic and existing modern replica lamp posts. Enhancement of planting, lawns, groundworks and removal of modern trees and hedging to the Western lawn and East/North East compartments to reinstate the Nash views. Alterations to existing paths, planting beds and fencing, improvements to drainage and irrigation systems. Remodelling of existing public WC block and installation of outdoor learning space with adjacent storage and hand wash area and any other associated ancillary development, including provision of public realm and landscaping improvements. (Listed Building Consent). Pending decision
- 3.2. **BH2023/01822** Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for box office, café/bar/restaurant, toilet facilities, skate exchange, learner's ice rink and associated plant and lighting. (2 year consent). Approved 21.09.2023.
- 3.3. **BH2017/00132** Installation of temporary event space in East/North lawns from 25th May to 5th June inclusive, with approximate two week set up and one week dismantling period. Temporary structures include replica timber street scenes, food and drink outlets, toilet blocks, stage and performance space. Refused 26.04.2017.

- 3.4. **BH2013/01992** Temporary maze on Royal Pavilion Eastern lawns from 4th July to 3rd September 2013, with adjoining ticket office and props within maze (retrospective). Refused 21.08.2013.
- 3.5. **BH2009/01949** Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear and removal of existing central roadway bollard. Re-surfacing of existing tarmac with second-hand yorkstone flags and granite setts. Installation of wrought iron pedestrian gates and rebuilding of boundary wall (LBC). Approved 12.01.2010.
- 3.6. **BH2009/01947** Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear and removal of existing central roadway bollard. Re-surfacing of existing tarmac with second-hand yorkstone flags and granite setts. Installation of wrought iron pedestrian gates and rebuilding of boundary wall(Full Planning). Approved 25.11.2009.
- 3.7. **BH2004/03527/CD/FP** Replacement of existing bow top fencing (50cm high) with proposed bow top style fencing (1.35m high). (Full Planning). Approved 19.01.2005.
- 3.8. **95/0290/CD/FP** Installation of retractable traffic bollards at North Gate entrance and rising arm barrier at New Road exit. (Full Planning). Approved 16.05.1995.
- 3.9. **91/0756/LB** Restoration of the Nash Garden scheme in the Royal Pavilion grounds. (LBC) Approved 02.07.1991.
- 3.10. **91/0574/CD/FP** Restoration of the Nash Garden scheme in the Royal Pavilion grounds. (Full Planning) Approved 02.07.1991.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks approval for works to the Royal Gardens, including the restoration and reinstatement of historic walls, new metal railings internally and on the boundaries of the site, the restoration of historic lamp posts and installation of replicas, and the addition of new gates to the majority of the existing access points. A new vehicular access would also be created off Palace Place.
- 4.2. It is also proposed to enhance existing planting and lawns including the removal of some trees and hedges and replacement planting to facilitate improvement to the existing pathways/facilities, and in some cases to open up historic (Nash) views of the Royal Pavilion and surrounding Listed Buildings. Other alterations are proposed to the existing paths, planting beds and fencing with improvements to drainage and irrigation systems.
- 4.3. Remodelling of the existing public WC block is proposed with a changing places facility to be provided, along with storage areas and a multi-use kiosk. A new outdoor learning space with storage and handwashing facilities is proposed to the side of the Museum entrance.

- 4.4. The existing gardeners' compound would be replaced with new timber sheds, and the existing bin store would be reduced in size with a new access point and design.
- 4.5. Seating that lies within the site but faces onto New Road would be removed to facilitate new railing along the boundary.
- 4.6. Since submission of the application changes to the proposal have been made with regards to the proposed gardeners' shed in order to address concerns regarding the appropriateness of materials, with timber now proposed instead of metal. In addition one of the mature trees (T42, a lime) identified for removal, will now be retained as the loss was not considered justified purely on the basis of opening up views of the Pavilion.

5. REPRESENTATIONS

- 5.1. **Objections** from **eighteen (18)** individuals have been received and from the following groups, **North Laine Community Association, The Brighton Society, Living Streets Group and The Regency Society**, raising the following issues:
 - Adverse impact on listed building
 - Adversely affects Conservation Area
 - Additional traffic and less convenient due to closure of gates
 - Inappropriate height of development (railings and gates)
 - Overdevelopment
 - Overshadowing
 - Overbearing
 - Poor design
 - Disabled access not increased - gates too narrow
 - No cycle storage details
 - Railings and enclosure of site, with potential closure of public access unacceptable
 - Lockable gates unacceptable
 - Reduction in site permeability
 - Restriction of views
 - Cost and maintenance of railings and gates
 - Narrowing of path and potential loss for areas of seating in front of the cafe
 - Placement of bins nearer to Café
 - Intention to close gardens more often for private events
 - Loss of mature trees
- 5.2. **Support** from **thirty four (34)** individuals has been received raising the following issues:
 - In keeping with Listed Building
 - Respects and protects the Heritage assets for the future
 - Cultural and tourism benefits from the enhancement of gardens

- Protection of the heritage assets will result, due to the proposed railings and gates.
- Beneficial to the wider city
- Enhancement of disabled access with changing place facilities and improved pathways
- Good design
- Gates and railings will reduce crime in the area, particularly at night when locked
- Enhancement and protection of the gardens will create a 'Jewel in the Crown' for Brighton and Hove
- A forward thinking city must embrace world class attractions in its centre
- Similar gardens in London close at night and appropriate for the Royal Pavilion Gardens
- Council has an obligation to ensure the garden is safe for users when it is open to the public, the development would help achieve this
- Educational spaces would enhance the garden offering
- Enhanced and revised toilet facilities
- Development would create a more attractive garden and improve the neighbourhood

5.3. **Comment** from **two (2)** individuals was received, raising the following issues:

- Renewed toilet provision is welcome
- Protection and replanting of areas welcome
- Cooperation between BHCC and the Trust welcome
- Security vs 24/7 access - how is this resolved?
- Extension of lawn to encompass areas that serve the café - not the ideal solution
- Loss of mature trees
- Should ensure accessibility at all hours and for disabled access

5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

6.1. **Arboricultural:** Support subject to conditions 17th April 2024 (Final Comment)
BHCC Arboriculture object in principle to the removal of healthy trees to improve sightlines / views, however we are pleased to now note the retention of T42 Tilia X europaea [lime], which is of good shape and form and highly prominent. The other proposed removals, although regretted, are either for sound arboricultural reasons or to improve current landscaping. BHCC Arboriculture raise no objection to those works.

6.2. BHCC Arboriculture seek conditions securing a full construction method statement for all ground works within RPA's of retained trees, including materials and proposed protection measures in line with the submitted arboricultural specification, this to be agreed in writing by the local authority prior to

commencement. We would also wish to see the standard landscaping condition attached to consent.

- 6.3. Arboricultural Impact Assessment Drawing remains hard to interpret due to similarity of keys for the various protection measures and needs to be clearer.

12th December 2023: Objection in principle

- 6.4. Object due to the removal of healthy trees solely to improve site lines/views of the listed buildings, in particular T42. Arboricultural Impact Assessment Drawing is hard to interpret due to similarity of keys for the various protection measures and needs to be clearer. Appreciate mitigation planting is provided within the landscaping - but this will take decades to address loss of canopy and amenity.

- 6.5. **Heritage:** No objection subject to conditions 19th April 2024 (Final Comments)
Further plans have been provided in respect of the sheds; appropriate conditions should be secured in relation to the heritage matters prior to commencement of works.

30th November 2023: No objection in principle, subject to amendments and conditions

- 6.6. Gardeners' compound suitable - but amendments to gardeners' shed details required. No objection to the majority of the proposed railings and gates, but amendments needed in respect of certain railings (F7/F8). Details of works to lampposts to be provided. Method statements for works to the masonry required and can be conditioned.

- 6.7. Design of toilet block acceptable. The addition and removal of trees is not extensive and should not significantly alter views of the historic building, but acceptability should be considered by the tree officer.

- 6.8. **Planning Policy:** No comment
Assuming that Heritage Officers provide comment.

- 6.9. **Sustainability:** No objection
The proposal to renovate the public toilets are welcomed improving efficiency and heating, meeting the councils aspirations for a circular economy.

- 6.10. A BREEAM assessment is not required.

- 6.11. Provision of an external electrical supply should be considered from this building for outdoor events/use, to avoid the need for diesel generators

- 6.12. **Sustainable Transport:** No objection subject to conditions 17th April 2024 (Final Comments)

Please see below our comments regarding the outstanding matters for the Royal Pavilion gardens application as per our discussion:

- New Road benches - We have been advised by the council's Project Manager of the proposed scheme that these works will not be undertaken by the applicant. It has also been confirmed that alternatives benches shall be provided by BHCC (date and funding to be confirmed).

- Bollards amendments - We have received the amended plans (15/04/2024) and these indicate acceptable location for the bollards as required and are within the site boundary.

6.13. As the LPA does not wish to request a Section 106 obligation on this occasion, it is agreed that it is still necessary to secure a S278 agreement and via a condition is acceptable.

8th April 2024 - 2nd response Unable to support due to outstanding information and amendments needed

6.14. The LHA is unable to support this application as further information and amendments are needed prior to determination in relation to the following:

- Confirmation of arrangements to provide new benches in New Road;
- Amendments are required to the Site Key Plan and Site Plans to confirm changes to positions of bollards and gates associated with Pavilion Buildings, New Road, Palace Place and Prince's Place.

9th February 2024 - 1st response:

6.15. The LHA is unable to support this application as further information and amendments are needed prior to determination

6.16. **Economic Development:** No Comment to make on the application

External:

6.17. **Conservation Advisory Group:** 2nd April 2024 Recommend Approval

6.18. **County Ecologist:** 24th January 2024 No objection subject to conditions

The proposed development is unlikely to have significant impacts on biodiversity and/or any risks can be mitigated to acceptable levels by the application of planning conditions. It is considered likely that the biodiversity objective of at least 10% biodiversity net gain will be met.

6.19. Conditions requested in respect of compliance with the submitted biodiversity method statement, and a pre commencement condition for an Ecological Design, Management and Monitoring Strategy (EDMMS) to be submitted and approved by the LPA.

6.20. **County Archaeologist:** 5th February 2024: No objection subject to conditions

The information provided is now satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions in relation to a written scheme of investigation to be submitted to the LPA prior to commencement of development for approval, and then to be implemented in accordance with. A written record of all works undertaken shall be submitted to the LPA with 3 months of completion.

19th December 2023

6.21. Object due to insufficient information

6.22. **East Sussex Fire and Rescue Service:** No objection

The means of escape appears to satisfy requirements. Access for fire appliances and fire-fighting is satisfactory.

- 6.23. **Historic England:** 22nd March 2024 Support
Historic England supports the proposals for new boundary railings, walls and gates subject to a more bespoke design for the India Gate. We are supportive of the other infrastructure and landscape improvements subject to the reconsideration of the removal of the Category B Lime Trees.
- 6.24. The Heritage Crime Risk Assessment Report has highlighted the seriousness of the crime and the high level of anti-social behaviour that takes place in the Gardens; that the site is a terrorism risk and that the internationally important listed buildings are at risk of vandalism or arson.
- 6.25. Therefore, while we note that new railings and gates would cause some relatively low level harm to heritage significance and that there are concerns about public access, we are supportive of the new boundary proposals.
- 6.26. This is because they would significantly help to address the serious crime problems and high levels of antisocial behaviour which have led to a degraded environment and which place the Royal Pavilion Estate at serious risk of vandalism, arson and/or misuse.
- 6.27. We consider that improvements to the design of the proposals for the India Gate could be achieved. We think a better approach would be a more bespoke design in consultation with the Indian community that still provides sufficient security.
- 6.28. We also do not consider that the removal of the two Category B Lime Trees is justified to help restore 'Nash views', as these views are already compromised by other interventions and trees and while some more of the buildings' facades may be revealed, the historic view will not be truly restored.
- 6.29. Historic England is supportive of the other proposals that will help to remove the Gardens from our Heritage at Risk Register.
- 6.30. **Southern Water:** No objection subject to details of the proposed means of foul sewerage and surface water disposal.
- 6.31. **Sussex Gardens Trust:** Support - on the basis the garden is secured and closed overnight
Support the design and development of the Gardens and have been consulted during the development process towards the application.
- 6.32. Support security of the site with railings and gates to protect the Heritage assets. Internally support the hard and soft landscaping and revised 'Changing Places' toilet block, learning space, redesigned bin store and gardener's compound and new vehicular entrance off Palace Place.
- 6.33. Surprised and concerned that Brighton and Hove City Council (BHCC) and Brighton and Hove Museums (B&HM) have committed to maintain 24 hours

access to the garden, as are not convinced that the garden will be sufficiently protected and secured without overnight closure to prevent vandalism and antisocial behaviour. State the unique garden deserves the highest possible level of protection.

- 6.34. **The Gardens Trust:** Support - on the basis the garden is secured and closed overnight
Support the design and development of the Gardens with enhanced security of the site.
- 6.35. Internally support the hard and soft landscaping and revised 'Changing Places' toilet block, learning space, redesigned bin store and gardener's compound and new vehicular entrance off Palace Place.
- 6.36. Concur with the views of the Sussex Garden Trust (SGT) in respect of the security of the site and that overnight closure is required to ensure reductions in crime. Examples are given of vandalism to listed structures which have received lottery funding. They strongly urge the site is secured at night.
- 6.37. **Sussex Police:** No objection
Given the high levels of both criminal & anti-social behaviour reported within the Pavilion Gardens pleased to see the application of perimeter fencing and gates - with supporting letters provided from the Neighbourhood Policy Team Inspector, which were sent to Chloe Tapping (Brighton & Hove Museums).
- 6.38. Crime prevention measures suggested in respect of CCTV, WC Bloc, Kiosk, Storage areas, Gardeners Compound, Cycle stands, Planting and Construction sites.
- 6.39. Full details of representations received can be found online on the planning register.

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:

SA2	Central Brighton
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP5	Culture and tourism
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM30	Registered Parks and Gardens
DM32	The Royal Pavilion Estate
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework
	Valley Gardens Conservation Area Study

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, design appearance and heritage impacts; impacts on sustainable transport, and on arboriculture.

Statement Of Significance

- 9.2. The Royal Pavilion is a Grade I listed building of international significance for its architectural, historic and artistic interest as a royal palace in an idiosyncratic largely Indian style (reflecting the Regency period's interest in Orientalism) and designed by the leading Regency architect, John Nash. Due to its location, scale and design it is an extremely prominent building and its roofline of bulbous onion domes, pagoda roofed pavilions and minarets is synonymous with Brighton. Whilst its entrance is on the west elevation facing the popular Pavilion Gardens it is the more formal east elevation which is most impressive and which is most photographed. The gardens also affect the setting of important listed building around it, including the Grade I Dome Theatre, the Grade II India Gate, the Grade II* King William IV Gate, and the listed lampposts within the gardens and other buildings that are not directly associated with the pavilion but are visible from it.
- 9.3. The gardens of the Royal Pavilion are a registered park and garden of special historic interest, Grade II. The eastern lawns are a much simpler and more formal space than the livelier gardens to the west. They form an integral and highly important part of the setting of the building, inviting views of the building itself and allowing the drama of the building's east elevation and roofline to unfold in views from the east and north-east.
- 9.4. The Pavilion Estate Gardens form a part of the linear ribbon of historic green spaces that form the heart of the Valley Gardens Conservation area. The pattern of development and the prevailing architecture are contemporary with the Royal Pavilion and form part of its wider context. This proposal would have an impact on the setting of all the listed buildings but particularly the Royal Pavilion; the character of the registered park and garden; and the character and appearance of the Valley Gardens conservation area.

Principle of development

- 9.5. The gardens were originally established and laid out between 1816 and 1825 during the construction of the Royal Pavilion, following a design by John Nash, which reworked some of an earlier scheme by Samuel Lapidge. The gardens were renovated in 1981/1982 in conjunction with refurbishment of the Royal Pavilion, and again updated in 1991. These later iterations sought to reinstate and recover the original scheme by John Nash.
- 9.6. The present scheme would again seek to restore and improve the Gardens while maintaining their use for outdoor recreation so in principle is considered acceptable.

Design, Appearance and Heritage Impacts:

- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. 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.

- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.9. As already noted the Royal Pavilion grounds are Grade II listed and a designated Registered Park and Garden of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens Conservation Area. The setting of the Pavilion is an essential part of its character as the gardens have been laid out to complement its design.
- 9.10. The siting, scale and appearance of the proposal is similar to previous permissions in that it seeks to reconnect and better conserve and better integrate the existing historic buildings and the surrounding landscaped areas. This is to be achieved through the following:
- The restoration and enhancement/replacement of the existing entrances to the garden.
 - The restoration and enhancement/replacement of the existing historic walls, iron railings, gates and perimeter buildings to the garden.
 - Restoration of the 19th century historic lamp posts and installation of matching new lighting.
 - Restoration of the Nash views into the western lawn and east lawn, through enhancement of existing planting and removal of existing trees and hedged areas that currently impede these views.
 - Amendments to the existing path network which predominantly makes wider and would give improved drainage.
 - A new outdoor learning space with storage and handwashing facilities
 - Renovation of the existing toilet block with a new changing places facility, storage areas and multi-use kiosk area.
 - A revised gardeners compound and sheds
 - Enhanced drainage and garden irrigation
 - Changes to the internal fencing, predominantly around the garden beds
 - A new utilities areas (bin store)

Perimeter Works.

New Road (Western Perimeter):

- 9.11. The existing open western vehicular entrance (abutting The Corn Exchange) would be secured with a new metal vehicular sliding gate, comprising natural stone piers to either side and a metal gate of 2.1m in height in a design to match the other proposed external railings (black with pointed detailed vertical bars and low and high level horizontal supporting bars). A new pedestrian gate would be created to the side (north) which would have matching material and details. A timber wall/bench on the opposite side (south) would be replaced with a 0.6m high stone wall with black metal railings over to produce a total height of 2.1m to

match the proposed pedestrian and vehicular gates. The two existing pedestrian entrances of New Road would also have new gates and piers to match these.

- 9.12. The replacement of the solid timber wall with railings would open up views into the Pavilion Gardens from New Road which is considered to be positive. It is noted that the revised perimeter would bring visual changes to the New Road streetscene with the loss of the existing benches and relatively 'soft' timber fence, but it is not considered to bring any visual harm. The loss of the amenity provided by the existing seating would be offset by the provision of new benching in New Road (which the Council is to provide at a later date) which would be set back from the new boundary to ensure that it does not become a climbing aid to the new railings. The new boundary would increase the security of the site and the heritage assets within.
- 9.13. The design of the new gates and railings to New Road are considered to be appropriate designs and material palette which complements the status of the garden and the heritage assets that surround it, causing no significant harm and bringing benefits in respect of site security and views.

Prince's Place (Southern Perimeter):

- 9.14. Similar to New Road, the existing open entrance on Prince's Place would be secured with natural stone piers and two metal pedestrian gates to 2.1m with a design to match the other proposed external railings (black with pointed detailed vertical bars and a low and high level horizontal supporting bar). An existing small wall and areas of low hooped railing would be replaced with a low stone plinth and black metal railings over with a total height of 2.1m, with railings to match the pedestrian gate.
- 9.15. This is considered to bring improvements as the existing arrangement is a poor mixture of designs and street furniture that detracts from the public realm. The new boundary would increase the security of the site and the heritage assets within.
- 9.16. The design of the new gates and railings to Prince's Place are considered to be appropriate designs and material palette which complements the status of the garden and the heritage assets that surround it, causing no significant harm, and bringing benefits in respect of site security and appearance.

South Gate (India Gate) (Southern Perimeter):

- 9.17. The proposed perimeter works would see the existing walls retained but with the addition of a new pointed railings applied to the top which would create a combined railing and wall with a height ranging between 1.8m and 2.1m. The design of the railings would match the other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bars).
- 9.18. The two existing pedestrian entrances would also have a new gates installed which would match the railings and the design of other pedestrian gates, and the main gate within India Gate is proposed to have a matching design. Historic England have raised concerns that the design is not overly complimentary to India Gate and have requested that further thought is given to the design and

history of the Gate in relation to the Indian community, but have agreed these further details could be secured by condition. A condition to that effect would be attached to any approval.

- 9.19. The principle of alterations to the existing boundary, incorporating India Gate to increase the security of the site and the heritage assets within, is acceptable, but the final design is to be secured by condition and agreed with the LPA, prior to any works commencing on the India Gate boundary.

Palace Place (Southern Perimeter):

- 9.20. The proposed perimeter works would see the majority of the existing pointed railings (F1) retained but with the addition of a new gates to allow the creation of a new vehicular entrance which would improve access to the Royal Pavilion and gardens for servicing, and when events are in situ (such as the winter ice rink). The design of the gate would match the existing railings and other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bar).
- 9.21. The new access would be subject to a S278 agreement and a Delivery and Service Management Plan to be agreed prior to commencement of any works on highways land, to ensure that proposed works can be constructed and utilised in a safe manner.
- 9.22. The design of the new gates and replacement railings to Palace Place are considered to be appropriate designs and material palette which complement the status of the garden and the heritage assets that surround it, causing no harm. The new boundary and gates would increase the security of the site and the heritage assets within, and allow for another vehicular access point that would help service the existing Royal Pavilion Estate.

Old Steine (Eastern Perimeter):

- 9.23. The proposed perimeter works would see the existing 1.4m high hooped railings removed and replaced with new pointed railings applied to the top of a new natural stone bottom plinth, creating a combined railing with a height of 2.1m. The design of the railings would match the other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bar).
- 9.24. The existing Maclaren wall, piers and gates, located to the west of the replacement railings, would be refurbished and retained. The exact details of the refurbishment are to be agreed with Heritage Officers and a condition would be attached to ensure this occurs. The gap between the replacement railings and the Maclaren wall would be managed as meadow to help increase biodiversity, in place of the existing short mown grass. No new public access would be provided on this boundary with the Old Steine.
- 9.25. The design of the replacement railings to Old Stiene are considered to be appropriate designs and material palette which complement the status of the garden and the heritage assets that surround it, causing no harm. The new boundary would increase the security of the site and the heritage assets within. In particular on this elevation the changes are considered to create a more

coherent and higher quality boundary, which reinforces the identity of the Royal Pavilion Estate and sense of arrival. The renovation of the Maclaren wall is welcomed.

North Gate (King William IV Gate) (Northern Perimeter):

- 9.26. The proposed perimeter works would see the existing relatively open area to the east of the North Gate secured with new pointed railings applied to the top of a new natural stone bottom plinth, which would create a combined railing with a height of 2.1m , which would extend from the eastern boundary facing the Old Stiene. Incorporated within the new railings would be a pedestrian gate which matches the others proposed onsite. The existing Maclaren wall, piers and gates, which remain located to the south of the replacement railings, would be refurbished and remain.
- 9.27. The design of the new gates and railings to the North Gate are considered to be appropriate designs and material palette which complements the North Gate with a railing design that mirrors the current heritage gate installed. The existing status of the garden and the heritage assets that surround it would suffer no harm.
- 9.28. It is noted that the revised perimeter will bring visual changes to the North Gate streetscene with the loss of the existing relatively open aspect to the east of North Gate, but it is not considered to bring any visual harm. The new boundary would increase the security of the site and the heritage assets within. As with the Old Stiene boundary the changes are considered to create a more coherent and higher quality boundary, which reinforces the identity of the Royal Pavilion Estate and sense of arrival at the William IV Gate. The renovation of the Maclaren wall is welcomed.

Landscaping and widening of existing paths:

- 9.29. Careful consideration has been given to the proposed removal of trees assessed as being of moderate quality and value (grade B). This is proposed to allow for the revised footpath (T27 & T17) and boundary treatments (T27) which on balance is considered to be justified, taking into account the wider benefits provided as part of the overall development and the security/accessibility improvements. Replacement/mitigation planting is required and would be secured by condition.
- 9.30. The removal of a grade B mature tree in the west lawn (T42) was initially proposed but was not considered by the LPA to be justified purely on the basis of reinstating or enhancing the 'Nash Views' of the Royal Pavilion. The possibility of relocating the tree within the garden was discussed but the likelihood of success considered low. The plans have been amended to show T42 as being retained and a condition would be attached this effect.
- 9.31. The removal of existing planting and trees as part of this plan to enable the improvements to the layout and existing paths is therefore supported, subject to a condition for replacement and mitigation planting, with suitable specimens to be agreed. The majority of trees removed being have been assessed as being of relatively low quality and value so their loss is not opposed.

- 9.32. The majority of the enlarged/ revised pathways follow the existing, but with the significant change occurring to the area to the north of India (South) Gate, which would enlarge the existing grassed oval and extend the surrounding pathway. To the west, opposite the existing Café, the grassed area would also increase and the pathway would decrease in width. The degree of change is not considered to bring any harm and partially mitigates the loss of grassed areas generally to allow the increased path widths elsewhere. It is noted that objection has been raised in reduction to the amount of hard stand area that tables and chairs associated with the Café would be able to utilise, but the wider benefits are considered to outweigh the loss, with an increased grassed area opposite the Café for customers and visitors to utilise.
- 9.33. The proposed improvement to the existing landscaping and widening of the existing pathways are considered acceptable in principle, but will be subject to a condition requiring a full hard and soft landscaping plan to be submitted the LPA for assessment and approval.
- 9.34. The new internal railings to the lawned areas proposed (Design F7 and F8) are considered acceptable in general design, but the supplied details are not considered sufficient and a condition would be attached to ensure the final detailed design is acceptable to the LPA prior to installation.

Works to toilet blocks

- 9.35. The proposed works to refurbish the existing (currently closed) toilet block would retain the existing footprint but revise the internal floorspace and elevations. These works will introduce a new 'changing places' facility which would increase the accessibility and use of the gardens for those with mobility and other challenges, with a space which allows full access to toilets for mobility scooters, motorised wheelchairs and carers, and onsite changing and shower facilities. New unisex WCs and a baby change suitable stall would be accessed from the front of the refurbished toilet block. To the western side of the block a new multifunctional kiosk/information centre is proposed which would have storage to the rear with an incorporated plant room. Further new storage would be created to the rear of the unisex toilets.
- 9.36. The design and elevations of the refurbished block are considered acceptable with the majority of the existing structure retained, but with new bronzed metal canopies to the front, steel doors for the WCs and new timber door and bifold timber windows to the proposed kiosk. Some elements are considered utilitarian, but this is the case with the existing structure and overall the elevational changes would bring improvement to its appearance. Changes would also occur to the rooflights, which would be removed and replaced with a new timber and ply structure, finished with new thermal insulation that would carry across the rest of the roof, and increase the thermal capacity and sustainability of the refurbished building.
- 9.37. The design and use of the toilet block building is considered appropriate and would provide an updated public amenity that increases the quality of WCs for all and in particular those who may have difficulties using traditional WCs. The

new kiosk would provide a flexible space that would contribute to the public and private uses proposed within the garden. The existing status of the garden and the heritage assets that surround it would suffer no harm.

Outdoor Learning Space

- 9.38. A new outdoor learning space would be located to the east of the Brighton Museum, adjacent to the existing learning building and formed of stone seating walls surrounding a new permeable membrane positioned around an existing tree. To the north would be located new storage facilities in front of an existing elevational wall, with new handwashing area to the side. The design is considered acceptable and would enhance the existing public offering from the garden in relation to education. No harm would be caused to the existing listed structures.

Gardeners' Compound

- 9.39. The proposed changes to the gardeners' compound are considered acceptable with a design for the new fencing and gates (set behind new hedge planting) with new low public seating walls which cascade onto the revised pathways within the gardens. The design would be in keeping with other proposed works to the garden. Revised plans showing timber sheds have been submitted which are considered acceptable.

New Bin Store:

- 9.40. The existing structure and size is identified as bringing harm to the garden currently. The proposed scheme would see a reduction in size of the bin store and reorientation to be mainly serviced from the existing vehicular access on New Road, adjacent to the Brighton Dome. This would reduce the existing negative impact and allow for greater soft landscaping to replace the footprint removed, both of which would have positive effects on the gardens and surrounding heritage assets. The final details of the revised bin store in relation to finish and materials are to be agreed and a condition would be attached to ensure suitability by the LPA.

Security of site and impact on heritage assets:

- 9.41. The proposed railings, walls and gates would allow the closure of and security of the existing perimeter of the garden, which currently has a relatively permeable boundary with multiple points of access and egress, and no facility to close existing openings to many parts of the boundary.
- 9.42. Significant work has been carried out by Historic England and external consultants, in conjunction with the local and national police, to produce a security report in relation to the gardens. The executive summary of that report forms part of the supporting documentation for the application and informs Historic England's (HE) support for securing of the site with new boundary railings and gates, due to the wider public benefits that would accrue in relation to general crime reduction in the area and potential damage to the heritage assets from vandalism. They identify that although relatively low level harm would be caused by the railings and gates to the heritage assets, and that concerns exist in relation to public access, any harm is identified as less than

significant and outweighed by the wider public benefits, with the preservation and enhancement of significance for existing heritage assets.

- 9.43. This view is shared by the LPA, and with the benefits identified, it is considered that any harm to the setting of the listed buildings, to the character of the registered park and garden itself and to the appearance of the conservation area, has been mitigated as far as possible (subject to conditions). The harm is 'less than substantial' under the terms of the NPPF and there are significant heritage, cultural, security and preservation benefits that may be weighed against that harm under paragraph 208 of the National Planning Policy Framework (NPPF) and in line with paragraph 212.
- 9.44. NPPF Paragraph 208 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.”*
- 9.45. NPPF Paragraph 212 states: *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”*

Sustainable Transport:

- 9.46. Given the nature of the proposals and similarity to the existing situation, the majority of additional person trips will be linked journeys associated with visits to Brighton city centre. As such the proposed development would be unlikely to result in increased impacts on the highway and transportation networks or on the demand for parking.
- 9.47. New cycle parking stands are being provided to the north by the King William IV (North) Gate, with the exact amount and design will be secured by condition.
- 9.48. Various off-site works are proposed and a new vehicular access is to be provided at Palace Place. As these works would take place on highway land and/or create additional vehicular movements Transport Officers require a Delivery and Service Management Plan (DSMP) and that the applicant enter into a S278 agreement to ensure the impacts are fully assessed and acceptable. These elements will be secured by suitably worded conditions.
- 9.49. With regard to emergency vehicle access, the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west, and via the Palace Place gate to the south once the new access is created. East Sussex Fire Service has confirmed that the access arrangements are appropriate and the means of escape in case of fire would be satisfactory.

Arboriculture

- 9.50. Because it is important that vegetation and trees within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion and its listing, is protected during development, details of tree protection measures have been provided with the application and would be secured by condition. As previously noted, the loss of some existing trees is considered to be justified by the wider benefits of the scheme, but Arboricultural Officers are opposed to the removal of any mature trees to allow the reinstatement/enhancement of views so this element has been removed from the proposal.
- 9.51. Full details of the landscaping and mitigation planting would be secured by condition to offset harm caused through the loss of existing trees.

Other Matters:

- 9.52. The proposed redevelopment of the garden is considered acceptable in terms of impact upon residential amenity, with no increase in noise, overlooking, overshadowing or overbearing effects on surrounding residents arising as a result of the proposed works, in excess of the existing situation. As noted earlier the alterations to the gardens are considered to bring significant improvements to the accessibility and security of the site which would benefit all users and surrounding residents. The loss of the existing seating onto new road and the public amenity it provides will be mitigated through the new benches are intended to be installed.
- 9.53. The proposal to renovate the public toilets would improve efficiency and heating, meeting the Council's aspirations for a circular economy with the reuse of an existing building to a more efficient standard. Provision of an external electrical supply would be explored as part of the overall landscaping scheme for the site to be secured by condition.
- 9.54. The applicant has demonstrated that a biodiversity net gain in excess of 10% would be delivered through the scheme, which would be secured through the provision of an Ecological Design, Management and Monitoring Strategy by condition.
- 9.55. The proposed development would pose some risk of damage to archaeological remains but with a suitably worded condition attached which would require a scheme of investigation to be agreed by the LPA and implemented, the risk of damage is mitigated to an acceptable level, such to prevent refusal.

Conclusion and Planning Balance:

- 9.56. The harm from the proposed boundary railings and gates, and loss of mature trees upon the Conservation Area, the Historic Park and Garden, and the setting of the Grade I Listed Royal Pavilion is acknowledged. The harm is 'less than substantial' under the terms of the NPPF and there are heritage and other significant public benefits that may be weighed against that harm as per the NPPF.
- 9.57. The development would generate increased accessibility and use of the gardens, particularly for those with protected characteristics such as reduced mobility. The works would increase the significance of the heritage assets (the

setting and views of the Royal Pavilion) while helping to preserve and enhance for future generations the existing heritage assets. The development increases the public amenity benefits and education that the site currently provides through provision of more flexible buildings and an outdoor education space. Enhanced servicing access to the Royal Pavilion is provided with new access from Palace Place, increasing opportunities for the use of the gardens for special events to raise additional income in the support of the upkeep of the Royal Pavilion Estate.

- 9.58. Overall, it is considered that any harm to the setting of the listed buildings, to the historic character of the registered park and garden itself and to the appearance of the conservation area, has been mitigated as far as possible and the positive impacts are numerous. Given the above and that the development will enhance the cultural and tourism offering of the City, it is considered that the positive effects of the development outweigh the harm that the loss of some mature trees and proposed railings and gates would cause, and the development is in accordance with policies DM18, DM20, DM22, DM26, DM27, DM29, DM30, DM32, DM33, DM37, DM43 and CP5 CP12 and CP15
- 9.59. The application is therefore recommended for approval.

10. EQUALITIES

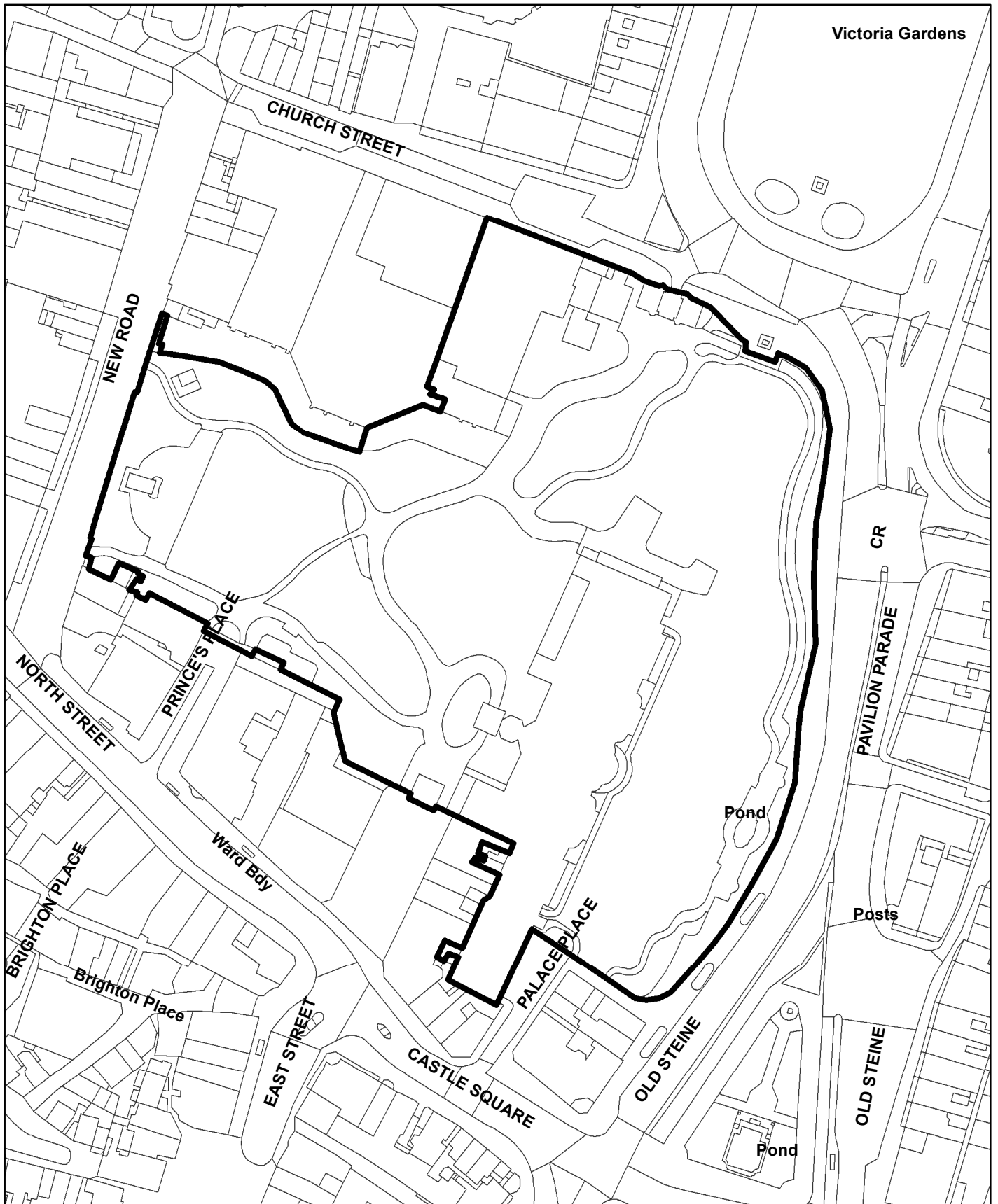
- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy 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. The proposed development will enhance the existing pathways increasing access for those with visual or mobility impairments. A changing rooms facility and baby change facilities are also being provided to the refurbished toilet block building, all of which would enhance accessibility and use of the gardens, increasing equality of use.

ITEM B

**Royal Pavilion Gardens, Pavilion Buildings
BH2023/02836
Listed Building Consent**

DATE OF COMMITTEE: 8th May 2024

BH2023 02836 - Royal Pavilion Gardens, Pavilion Buildings



N



Scale: 1:1,500

<u>No:</u>	BH2023/02836	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Royal Pavilion Gardens Pavilion Buildings Brighton BN1 1EE		
<u>Proposal:</u>	Landscaping works to include the restoration and reinstatement of historic walls, metal railings and gates, restoration of existing 19C historic and existing modern replica lamp posts. Enhancement of planting, lawns, groundworks and removal of modern trees and hedging to the Western lawn and East/North East compartments to reinstate the Nash views. Alterations to existing paths, planting beds and fencing, improvements to drainage and irrigation systems. Remodelling of existing public WC block and installation of outdoor learning space with adjacent storage and hand wash area and any other associated ancillary development, including provision of public realm and landscaping improvements.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	23.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	18.12.2023
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Allen Scott Landscape Architects 44 Newton Road Tunbridge Wells TN1 1RU		
<u>Applicant:</u>	Brighton & Hove Museums	Royal Pavilion	Pavilion Buildings Brighton BN1 1EE

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** Listed Building Consent subject to the following Conditions and Informatives.

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Notwithstanding the approved plans, submitted Arboricultural reports and statements no works shall take place to the tree annotated T42 on the approved proposed masterplan (ref:725-100 A received on the 15th April 2024), without written confirmation from the LPA prior to any works commencing.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM22 and DM30 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
3. Prior to installation of any railings or gates drawings at a scale of 1:5 with section details of all junctions at 1:1 of all railings and gates with full details of the proposed colour shall be submitted to and approved by the local planning

authority. All railings and gates shall be painted the approved colour within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a full construction method statement for all ground works within Root Protection Areas (RPA's) of retained trees, including materials and proposed protection measures in line with the submitted Arboricultural Impact Assessment and Method Statement received on the 17/04/2024 ref:J21177_Arb_B produced by Greenspace Ecological Solutions has been submitted to and agreed in writing. The approved methods shall be fully implemented for all works in the RPA's onsite during the proposed development.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two

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

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.

6. Notwithstanding the approved plans, the development hereby permitted shall not be commenced until the following details of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) samples/details of brick, render and tiling (including details of the colour of render/paintwork to be used);
 - b) samples/details of all cladding and roof finishes to be used, including details of their treatment to protect against weathering;

- c) samples/details of all hard surfacing materials;
- d) samples/details of stone plinth and walls to be used in boundary treatments;
- e) A schedule of all features to be removed, moved, replaced or reinstated, including photos/drawings/sections recording the features to be replicated along with 1:1 and/or 1:20 scale drawings of existing and proposed items;
- f) a method statement for the works of repair to the existing lampposts and masonry balustrades;
- g) full details, including 1:20 scale elevational drawings and sections of the proposed South Gate (India gate) and existing boundary walls and railings between 1-3 Pavilion Buildings and the Royal Pavilion building;
- h) full details, including 1:20 scale elevational drawings and sections of the proposed bin store structure, materials and finishes;
- i) full details, including 1:20 scale elevational drawings and sections of the proposed shed structures, materials and finishes;
- j) full details, including 1:20 scale elevational drawings and sections and 1:2 scale sections of the new internal estate railings detailed as F7 and F8 on the approved plans;

Development shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM27 and DM30 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Report/Statement	DEVELOPMENT STAGE DESIGN REPORT	725- 501A	15 April 2024
Proposed Drawing	725-205		23 October 2023
Proposed Drawing	725-101	A	15 April 2024
Proposed Drawing	725-102	A	15 April 2024
Proposed Drawing	725-103	A	15 April 2024
Proposed Drawing	725-104	A	15 April 2024
Proposed Drawing	725-105	A	15 April 2024
Report/Statement	Preliminary Ecological Assessment	J21177 _RevB	23 October 2024
Report/Statement	Arboricultural Impact Assessment	J21177 _Arb_B	17 April 2024
Proposed Drawing	725-205		23 October 2023
Proposed Drawing	725-100	A	15 April 2024
Proposed Drawing	725-207		23 October 2023
Proposed Drawing	725-214		23 October 2023
Proposed Drawing	725-202		23 October 2023
Proposed Drawing	725-209		23 October 2023
Proposed Drawing	725-204		23 October 2023
Proposed Drawing	725-211		23 October 2023
Proposed Drawing	725-361		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR- A-2000 P1		23 October 2023

Proposed Drawing	725-212		23 October 2023
Proposed Drawing	725-350		23 October 2023
Proposed Drawing	725-213		23 October 2023
Proposed Drawing	725-351		23 October 2023
Proposed Drawing	P1154-RHP-LS-XX-DR-A-2004 P1		23 October 2023
Proposed Drawing	725-352		23 October 2023
Proposed Drawing	725-357		23 October 2023
Proposed Drawing	725-353		23 October 2023
Proposed Drawing	725-358		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2200 P1		23 October 2023
Proposed Drawing	725-354		23 October 2023
Proposed Drawing	725-360		23 October 2023
Proposed Drawing	725-359		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2100 P1		23 October 2023
Proposed Drawing	725-367	B	18 March 2024
Proposed Drawing	P1154-RHP-TB-XX-DR-A-2001 P1		23 October 2023
Proposed Drawing	P1154-RHP-TB-XX-DR-A-4000 P1		23 October 2023
Location Plan	725-001		23 October 2023
Location Plan			23 October 2023

2. SITE LOCATION

- 2.1. The application site relates to the grounds of the Royal Pavilion Estate, a Registered Park and Garden of Special Historic Interest, Grade II. The site contains the Grade I Listed Royal Pavilion, and is located within the Valley Gardens Conservation Area.
- 2.2. To the north of the application site is the Grade I Listed Dome Theatre and associated buildings. To the west is the predominantly pedestrianised New Road and the numerous Listed Buildings including the Grade II* Listed Theatre Royal. To the south the site abuts Prince's Place, Pavilion Buildings and Palace Place, which comprise numerous locally and Grade Listed Buildings. The Old Steine/Pavilion Parade, the main north-south vehicular route into the city, lies immediately to the east of the site.
- 2.3. The nearest residential properties are in Prince's Place, Pavilion Buildings and Palace Place to the south fronting North Street, and there are also flats on the opposite side of Pavilion Parade to the east and New Road to the west.

3. RELEVANT HISTORY

- 3.1. **BH2023/02836** Landscaping works to include the restoration and reinstatement of historic walls, metal railings and gates, restoration of existing 19C historic and

existing modern replica lamp posts. Enhancement of planting, lawns, groundworks and removal of modern trees and hedging to the Western lawn and East/North East compartments to reinstate the Nash views. Alterations to existing paths, planting beds and fencing, improvements to drainage and irrigation systems. Remodelling of existing public WC block and installation of outdoor learning space with adjacent storage and hand wash area and any other associated ancillary development, including provision of public realm and landscaping improvements. (Listed Building Consent). Pending decision

- 3.2. **BH2023/01822** Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for box office, café/bar/restaurant, toilet facilities, skate exchange, learner's ice rink and associated plant and lighting. (2 year consent). Approved 21.09.2023.
- 3.3. **BH2017/00132** Installation of temporary event space in East/North lawns from 25th May to 5th June inclusive, with approximate two week set up and one week dismantling period. Temporary structures include replica timber street scenes, food and drink outlets, toilet blocks, stage and performance space. Refused 26.04.2017.
- 3.4. **BH2013/01992** Temporary maze on Royal Pavilion Eastern lawns from 4th July to 3rd September 2013, with adjoining ticket office and props within maze (retrospective). Refused 21.08.2013.
- 3.5. **BH2009/01949** Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear and removal of existing central roadway bollard. Re-surfacing of existing tarmac with second-hand yorkstone flags and granite setts. Installation of wrought iron pedestrian gates and rebuilding of boundary wall (LBC). Approved 12.01.2010.
- 3.6. **BH2009/01947** Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear and removal of existing central roadway bollard. Re-surfacing of existing tarmac with second-hand yorkstone flags and granite setts. Installation of wrought iron pedestrian gates and rebuilding of boundary wall(Full Planning). Approved 25.11.2009.
- 3.7. **BH2004/03527/CD/FP** Replacement of existing bow top fencing (50cm high) with proposed bow top style fencing (1.35m high). (Full Planning). Approved 19.01.2005.
- 3.8. **95/0290/CD/FP** Installation of retractable traffic bollards at North Gate entrance and rising arm barrier at New Road exit. (Full Planning). Approved 16.05.1995.
- 3.9. **91/0756/LB** Restoration of the Nash Garden scheme in the Royal Pavilion grounds. (LBC) Approved 02.07.1991.
- 3.10. **91/0574/CD/FP** Restoration of the Nash Garden scheme in the Royal Pavilion grounds. (Full Planning) Approved 02.07.1991.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks approval for works to the Royal Gardens, including the restoration and reinstatement of historic walls, new metal railings internally and on the boundaries of the site, the restoration of historic lamp posts and installation of replicas, and the addition of new gates to the majority of the existing access points. A new vehicular access would also be created off Palace Place.
- 4.2. It is also proposed to enhance existing planting and lawns including the removal of some trees and hedges and replacement planting to facilitate improvement to the existing pathways/facilities, and in some cases to open up historic (Nash) views of the Royal Pavilion and surrounding Listed Buildings. Other alterations are proposed to the existing paths, planting beds and fencing with improvements to drainage and irrigation systems.
- 4.3. Remodelling of the existing public WC block is proposed with a changing places facility to be provided, along with storage areas and a multi-use kiosk. A new outdoor learning space with storage and handwashing facilities is proposed to the side of the Museum entrance.
- 4.4. The existing gardeners' compound would be replaced with new timber sheds, and the existing bin store would be reduced in size with a new access point and design.
- 4.5. Seating that lies within the site but faces onto New Road would be removed to facilitate new railing along the boundary.
- 4.6. Since submission of the application changes to the proposal have been made with regards to the proposed gardeners' shed in order to address concerns regarding the appropriateness of materials, with timber now proposed instead of metal. In addition one of the mature trees (T42) identified for removal, will now be retained as the loss was not considered justified purely on the basis of opening up views of the Pavilion.

5. REPRESENTATIONS

- 5.1. **An objection** from **one (1)** individual has been received and from the following groups, **North Laine Community Association, The Brighton Society, Living Streets Group and The Regency Society**, raising the following issues:
 - Adverse impact on listed buildings
 - Adversely affects Conservation Area
 - Inappropriate height of development (railings and gates)
 - Poor design
 - Loss of existing WC's
 - Railings and enclosure of site, with potential closure of public access unacceptable
 - Lockable gates unacceptable
 - Reduction in site permeability

- Restriction of views
- Narrowing of path and potential loss for areas of seating in front of the cafe
- Intention to close gardens more often for private events
- Loss of mature trees

5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

6.1. **Arboricultural:** Support subject to conditions 17th April 2024 (Final Comment)
BHCC Arboriculture object in principle to the removal of healthy trees to improve sightlines / views, however we are pleased to now note the retention of T42 Tilia X europaea [lime], which is of good shape and form and highly prominent. The other proposed removals, although regretted, are either for sound arboricultural reasons or to improve current landscaping. BHCC Arboriculture raise no objection to those works.

6.2. BHCC Arboriculture seek conditions securing a full construction method statement for all ground works within RPA's of retained trees, including materials and proposed protection measures in line with the submitted arboricultural specification, this to be agreed in writing by the local authority prior to commencement. We would also wish to see the standard landscaping condition attached to consent.

6.3. Arboricultural Impact Assessment Drawing remains hard to interpret due to similarity of keys for the various protection measures and needs to be clearer.

12th December 2023: Objection in principle

6.4. Object due to the removal of healthy trees solely to improve site lines/views of the listed buildings, in particular T42. Arboricultural Impact Assessment Drawing is hard to interpret due to similarity of keys for the various protection measures and needs to be clearer. Appreciate mitigation planting is provided within the landscaping - but this will take decades to address loss of canopy and amenity.

6.5. **Heritage:** No objection subject to conditions 19th April 2024 (Final Comments)
Further plans have been provided in respect of the sheds; appropriate conditions should be secured in relation to the heritage matters prior to commencement of works.

30th November 2023: No objection in principle, subject to amendments and conditions

6.6. Gardeners' compound suitable - but amendments to gardeners' shed details required. No objection to the majority of the proposed railings and gates, but amendments needed in respect of certain railings (F7/F8). Details of works to lampposts to be provided. Method statements for works to the masonry required and can be conditioned.

6.7. Design of toilet block acceptable. The addition and removal of trees is not extensive and should not significantly alter views of the historic building, but acceptability should be considered by the tree officer.

External:

6.8. **Conservation Advisory Group: 2nd April 2024**
Recommend Approval

6.9. **Historic England: 22nd March 2024 Support**

Historic England supports the proposals for new boundary railings, walls and gates subject to a more bespoke design for the India Gate. We are supportive of the other infrastructure and landscape improvements subject to the reconsideration of the removal of the Category B Lime Trees.

6.10. The Heritage Crime Risk Assessment Report has highlighted the seriousness of the crime and the high level of anti-social behaviour that takes place in the Gardens; that the site is a terrorism risk and that the internationally important listed buildings are at risk of vandalism or arson.

6.11. Therefore, while we note that new railings and gates would cause some relatively low level harm to heritage significance and that there are concerns about public access, we are supportive of the new boundary proposals.

6.12. This is because they would significantly help to address the serious crime problems and high levels of antisocial behaviour which have led to a degraded environment and which place the Royal Pavilion Estate at serious risk of vandalism, arson and/or misuse.

6.13. We consider that improvements to the design of the proposals for the India Gate could be achieved. We think a better approach would be a more bespoke design in consultation with the Indian community that still provides sufficient security.

6.14. We also do not consider that the removal of the two Category B Lime Trees is justified to help restore 'Nash views', as these views are already compromised by other interventions and trees and while some more of the buildings' facades may be revealed, the historic view will not be truly restored.

6.15. Historic England is supportive of the other proposals that will help to remove the Gardens from our Heritage at Risk Register.

6.16. **Sussex Gardens Trust: Support - on the basis the garden is secured and closed overnight**

Support the design and development of the Gardens and have been consulted during the development process towards the application.

6.17. Support security of the site with railings and gates to protect the Heritage assets. Internally support the hard and soft landscaping and revised 'Changing Places' toilet block, learning space, redesigned bin store and gardener's compound and new vehicular entrance off Palace Place.

- 6.18. Surprised and concerned that Brighton and Hove City Council (BHCC) and Brighton and Hove Museums (B&HM) have committed to maintain 24 hours access to the garden, as are not convinced that the garden will be sufficiently protected and secured without overnight closure to prevent vandalism and antisocial behaviour. State the unique garden deserves the highest possible level of protection.
- 6.19. **The Gardens Trust:** Support - on the basis the garden is secured and closed overnight
Support the design and development of the Gardens with enhanced security of the site.
- 6.20. Internally support the hard and soft landscaping and revised 'Changing Places' toilet block, learning space, redesigned bin store and gardener's compound and new vehicular entrance off Palace Place.
- 6.21. Concur with the views of the Sussex Garden Trust (SGT) in respect of the security of the site and that overnight closure is required to ensure reductions in crime. Examples are given of vandalism to listed structures which have received lottery funding. They strongly urge the site is secured at night.

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
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM26	Conservation Areas
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DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM30	Registered Parks and Gardens
DM32	The Royal Pavilion Estate

Supplementary Planning Documents:

SPD09 Architectural Features
Valley Gardens Conservation Area Study

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, design appearance and heritage impacts.

10. STATEMENT OF SIGNIFICANCE

- 10.1. The Royal Pavilion is a Grade I listed building of international significance for its architectural, historic and artistic interest as a royal palace in an idiosyncratic largely Indian style (reflecting the Regency period's interest in Orientalism) and designed by the leading Regency architect, John Nash. Due to its location, scale and design it is an extremely prominent building and its roofline of bulbous onion domes, pagoda roofed pavilions and minarets is synonymous with Brighton. Whilst its entrance is on the west elevation facing the popular Pavilion Gardens it is the more formal east elevation which is most impressive and which is most photographed. The gardens also affect the setting of important listed building around it, including the Grade I Dome Theatre, the Grade II India Gate, the Grade II* King William IV Gate, and the listed lampposts within the gardens and other buildings that are not directly associated with the pavilion but are visible from it.
- 10.2. The gardens of the Royal Pavilion are a registered park and garden of special historic interest, Grade II. The eastern lawns are a much simpler and more formal space than the livelier gardens to the west. They form an integral and highly important part of the setting of the building, inviting views of the building itself and allowing the drama of the building's east elevation and roofline to unfold in views from the east and north-east.
- 10.3. The Pavilion Estate Gardens form a part of the linear ribbon of historic green spaces that form the heart of the Valley Gardens Conservation area. The pattern of development and the prevailing architecture are contemporary with the Royal Pavilion and form part of its wider context. This proposal would have an impact on the setting of all the listed buildings but particularly the Royal Pavilion; the character of the registered park and garden; and the character and appearance of the Valley Gardens conservation area.
- Principle of development**
- 10.4. The gardens were originally established and laid out between 1816 and 1825 during the construction of the Royal Pavilion, following a design by John Nash,

which reworked some of an earlier scheme by Samuel Lapidge. The gardens were renovated in 1981/1982 in conjunction with refurbishment of the Royal Pavilion, and again updated in 1991. These later iterations sought to reinstate and recover the original scheme by John Nash.

- 10.5. The present scheme would again seek to restore and improve the Gardens while maintaining their use for outdoor recreation so in principle is considered acceptable.

Design, Appearance and Heritage impacts:

- 10.6. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.7. 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".
- 10.8. As already noted the Royal Pavilion grounds are Grade II listed and a designated Registered Park and Garden of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens Conservation Area. The setting of the Pavilion is an essential part of its character as the gardens have been laid out to complement its design.
- 10.9. The siting, scale and appearance of the proposal is similar to previous permissions in that it seeks to reconnect and better conserve and better integrate the existing historic buildings and the surrounding landscaped areas. This is to be achieved through the following:
- The restoration and enhancement/replacement of the existing entrances to the garden.
 - The restoration and enhancement/replacement of the existing historic walls, iron railings, gates and perimeter buildings to the garden.
 - Restoration of the 19th century historic lamp posts and installation of matching new lighting.
 - Restoration of the Nash views into the western lawn and east lawn, through enhancement of existing planting and removal of existing trees and hedged areas that currently impede these views.
 - Amendments to the existing path network which predominantly makes wider and would give improved drainage.
 - A new outdoor learning space with storage and handwashing facilities
 - Renovation of the existing toilet block with a new changing places facility, storage areas and multi-use kiosk area.
 - A revised gardeners compound and sheds
 - Enhanced drainage and garden irrigation

- Changes to the internal fencing, predominantly around the garden beds
- A new utilities areas (bin store)

Perimeter Works.

New Road (Western Perimeter):

- 10.10. The existing open western vehicular entrance (abutting The Corn Exchange) would be secured with a new metal vehicular sliding gate, comprising natural stone piers to either side and a metal gate of 2.1m in height in a design to match the other proposed external railings (black with pointed detailed vertical bars and low and high level horizontal supporting bars). A new pedestrian gate would be created to the side (north) which would have matching material and details. A timber wall/bench on the opposite side (south) would be replaced with a 0.6m high stone wall with black metal railings over to produce a total height of 2.1m to match the proposed pedestrian and vehicular gates. The two existing pedestrian entrances of New Road would also have new gates and piers to match these.
- 10.11. The replacement of the solid timber wall with railings would open up views into the Pavilion Gardens from New Road which is considered to be positive. It is noted that the revised perimeter would bring visual changes to the New Road streetscene with the loss of the existing benches and relatively 'soft' timber fence, but it is not considered to bring any visual harm. The loss of the amenity provided by the existing seating would be offset by the provision of new benching in New Road (which the Council is to provide at a later date) which would be set back from the new boundary to ensure that it does become a climbing aid to the new railings. The new boundary would increase the security of the site and the heritage assets within.
- 10.12. The design of the new gates and railings to New Road are considered to be appropriate designs and material palette which complements the status of the garden and the heritage assets that surround it, causing no significant harm and bringing benefits in respect of site security and views.

Prince's Place (Southern Perimeter):

- 10.13. Similar to New Road, the existing open entrance on Prince's Place would be secured with natural stone piers and two metal pedestrian gates to 2.1m with a design to match the other proposed external railings (black with pointed detailed vertical bars and a low and high level horizontal supporting bar). An existing small wall and areas of low hooped railing would be replaced with a low stone plinth and black metal railings over with a total height of 2.1m, with railings to match the pedestrian gate.
- 10.14. This is considered to bring improvements as the existing arrangement is a poor mixture of designs and street furniture that detracts from the public realm. The new boundary would increase the security of the site and the heritage assets within.
- 10.15. The design of the new gates and railings to Prince's Place are considered to be appropriate designs and material palette which complements the status of the garden and the heritage assets that surround it, causing no significant harm, and bringing benefits in respect of site security and appearance.

South Gate (India Gate) (Southern Perimeter):

- 10.16. The proposed perimeter works would see the existing walls retained but with the addition of a new pointed railings applied to the top which would create a combined railing and wall with a height ranging between 1.8m and 2.1m. The design of the railings would match the other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bars).
- 10.17. The two existing pedestrian entrances would also have a new gates installed which would match the railings and the design of other pedestrian gates, and the main gate within India Gate is proposed to have a matching design. Historic England have raised concerns that the design is not overly complimentary to India Gate and have requested that further thought is given to the design and history of the Gate in relation to the Indian community, but have agreed these further details could be secured by condition. A condition to that effect would be attached to any approval.
- 10.18. The principle of alterations to the existing boundary, incorporating India Gate to increase the security of the site and the heritage assets within, is acceptable, but the final design is to be secured by condition and agreed with the LPA, prior to any works commencing on the India Gate boundary.

Palace Place (Southern Perimeter):

- 10.19. The proposed perimeter works would see the majority of the existing pointed railings (F1) retained but with the addition of a new gates to allow the creation of a new vehicular entrance which would improve access to the Royal Pavilion and gardens for servicing, and when events are in situ (such as the winter ice rink). The design of the gate would match the existing railings and other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bar).
- 10.20. The new access would be subject to a S278 agreement and a Delivery and Service Management Plan to be agreed prior to commencement of any works on highways land, to ensure that proposed works can be constructed and utilised in a safe manner.
- 10.21. The design of the new gates and replacement railings to Palace Place are considered to be appropriate designs and material palette which complement the status of the garden and the heritage assets that surround it, causing no harm. The new boundary and gates would increase the security of the site and the heritage assets within, and allow for another vehicular access point that would help service the existing Royal Pavilion Estate.

Old Steine (Eastern Perimeter):

- 10.22. The proposed perimeter works would see the existing 1.4m high hooped railings removed and replaced with new pointed railings applied to the top of a new natural stone bottom plinth, creating a combined railing with a height of 2.1m. The design of the railings would match the other proposed railings onsite (black with pointed detailed vertical bars and horizontal supporting bar).

- 10.23. The existing Maclaren wall, piers and gates, located to the west of the replacement railings, would be refurbished and retained. The exact details of the refurbishment are to be agreed with Heritage Officers and a condition would be attached to ensure this occurs. The gap between the replacement railings and the Maclaren wall would be managed as meadow to help increase biodiversity, in place of the existing short mown grass. No new public access would be provided on this boundary with the Old Steine.
- 10.24. The design of the replacement railings to Old Stiene are considered to be appropriate designs and material palette which complement the status of the garden and the heritage assets that surround it, causing no harm. The new boundary would increase the security of the site and the heritage assets within. In particular on this elevation the changes are considered to create a more coherent and higher quality boundary, which reinforces the identity of the Royal Pavilion Estate and sense of arrival. The renovation of the Maclaren wall is welcomed.

North Gate (King William IV Gate) (Northern Perimeter):

- 10.25. The proposed perimeter works would see the existing relatively open area to the east of the North Gate secured with new pointed railings applied to the top of a new natural stone bottom plinth, which would create a combined railing with a height of 2.1m , which would extend from the eastern boundary facing the Old Stiene. Incorporated within the new railings would be a pedestrian gate which matches the others proposed onsite. The existing Maclaren wall, piers and gates, which remain located to the south of the replacement railings, would be refurbished and remain.
- 10.26. The design of the new gates and railings to the North Gate are considered to be appropriate designs and material palette which complements the North Gate with a railing design that mirrors the current heritage gate installed. The existing status of the garden and the heritage assets that surround it would suffer no harm.
- 10.27. It is noted that the revised perimeter will bring visual changes to the North Gate streetscene with the loss of the existing relatively open aspect to the east of North Gate, but it is not considered to bring any visual harm. The new boundary would increase the security of the site and the heritage assets within. As with the Old Stiene boundary the changes are considered to create a more coherent and higher quality boundary, which reinforces the identity of the Royal Pavilion Estate and sense of arrival at the William IV Gate. The renovation of the Maclaren wall is welcomed.

Landscaping and widening of existing paths:

- 10.28. Careful consideration has been given to the proposed removal of trees assessed as being of moderate quality and value (grade B). This is proposed to allow for the revised footpath (T27 & T17) and boundary treatments (T27) which on balance is considered to be justified, taking into account the wider benefits provided as part of the overall development and the security/accessibility improvements. Replacement/mitigation planting is required and would be secured by condition.

- 10.29. The removal of a grade B mature tree in the west lawn (T42) was initially proposed but was not considered by the LPA to be justified purely on the basis of reinstating or enhancing the 'Nash Views' of the Royal Pavilion. The possibility of relocating the tree within the garden was discussed but the likelihood of success considered low. The plans have been amended to show T42 as being retained and a condition would be attached this effect.
- 10.30. The removal of existing planting and trees as part of this plan to enable the improvements to the layout and existing paths is therefore supported, subject to a condition for replacement and mitigation planting, with suitable specimens to be agreed. The majority of trees removed being have been assessed as being of relatively low quality and value so their loss is not opposed.
- 10.31. The majority of the enlarged/revised pathways follow the existing, but with the significant change occurring to the area to the north of India (South) Gate, which would enlarge the existing grassed oval and extend the surrounding pathway. To the west, opposite the existing Café, the grassed area would also increase and the pathway would decrease in width. The degree of change is not considered to bring any harm and partially mitigates the loss of grassed areas generally to allow the increased path widths elsewhere. It is noted that objection has been raised in reduction to the amount of hard stand area that tables and chairs associated with the Café would be able to utilise, but the wider benefits are considered to outweigh the loss, with an increased grassed area opposite the Café for customers and visitors to utilise.
- 10.32. The proposed improvement to the existing landscaping and widening of the existing pathways are considered acceptable in principle, but will be subject to a condition requiring a full hard and soft landscaping plan to be submitted the LPA for assessment and approval.
- 10.33. The new internal railings to the lawned areas proposed (Design F7 and F8) are considered acceptable in general design, but the supplied details are not considered sufficient and a condition would be attached to ensure the final detailed design is acceptable to the LPA prior to installation.

Works to toilet blocks

- 10.34. The proposed works to refurbish the existing (currently closed) toilet block would retain the existing footprint but revise the internal floorspace and elevations. These works will introduce a new 'changing places' facility which would increase the accessibility and use of the gardens for those with mobility and other challenges, with a space which allows full access to toilets for mobility scooters, motorised wheelchairs and carers, and onsite changing and shower facilities. New unisex WCs and a baby change suitable stall would be accessed from the front of the refurbished toilet block. To the western side of the block a new multifunctional kiosk/information centre is proposed which would have storage to the rear with an incorporated plant room. Further new storage would be created to the rear of the unisex toilets.

- 10.35. The design and elevations of the refurbished block are considered acceptable with the majority of the existing structure retained, but with new bronzed metal canopies to the front, steel doors for the WCs and new timber door and bifold timber windows to the proposed kiosk. Some elements are considered utilitarian, but this is the case with the existing structure and overall the elevational changes would bring improvement to its appearance. Changes would also occur to the rooflights, which would be removed and replaced with a new timber and ply structure, finished with new thermal insulation that would carry across the rest of the roof, and increase the thermal capacity and sustainability of the refurbished building.
- 10.36. The design and use of the toilet block building is considered appropriate and would provide an updated public amenity that increases the quality of WCs for all and in particular those who may have difficulties using traditional WCs. The new kiosk would provide a flexible space that would contribute to the public and private uses proposed within the garden. The existing status of the garden and the heritage assets that surround it would suffer no harm.

Outdoor Learning Space

- 10.37. A new outdoor learning space would be located to the east of the Brighton Museum, adjacent to the existing learning building and formed of stone seating walls surrounding a new permeable membrane positioned around an existing tree. To the north would be located new storage facilities in front of an existing elevational wall, with new handwashing area to the side. The design is considered acceptable and would enhance the existing public offering from the garden in relation to education. No harm would be caused to the existing listed structures.

Gardeners Compound

- 10.38. The proposed changes to the gardeners compound are considered acceptable with a design for the new fencing and gates (set behind new hedge planting) with new low public seating walls which cascade onto the revised pathways within the gardens. The design would be in keeping with other proposed works to the garden. Revised plans showing timber sheds have been submitted which are considered acceptable.

New Bin Store:

- 10.39. The existing structure and size is identified as bringing harm to the garden currently. The proposed scheme would see a reduction in size of the bin store and reorientation to be mainly serviced from the existing vehicular access on New Road, adjacent to the Brighton Dome. This would reduce the existing negative impact and allow for greater soft landscaping to replace the footprint removed, both of which would have positive effects on the gardens and surrounding heritage assets. The final details of the revised bin store in relation to finish and materials are to be agreed and a condition would be attached to ensure suitability by the LPA.

Security of site and impact on heritage assets:

- 10.40. The proposed railings, walls and gates would allow the closure of and security of the existing perimeter of the garden, which currently has a relatively

permeable boundary with multiple points of access and egress, and no facility to close existing openings to many parts of the boundary.

- 10.41. Significant work has been carried out by Historic England and external consultants, in conjunction with the local and national police, to produce a security report in relation to the gardens. The executive summary of that report forms part of the supporting documentation for the application and informs Historic England's (HE) support for securing of the site with new boundary railings and gates, due to the wider public benefits that would accrue in relation to general crime reduction in the area and potential damage to the heritage assets from vandalism. They identify that although relatively low level harm would be caused by the railings and gates to the heritage assets, and that concerns exist in relation to public access, any harm is identified as less than significant and outweighed by the wider public benefits, with the preservation and enhancement of significance for existing heritage assets.
- 10.42. This view is shared by the LPA, and with the benefits identified, it is considered that any harm to the setting of the listed buildings, to the character of the registered park and garden itself and to the appearance of the conservation area, has been mitigated as far as possible (subject to conditions). The harm is 'less than substantial' under the terms of the NPPF and there are significant heritage, cultural, security and preservation benefits that may be weighed against that harm under paragraph 208 of the National Planning Policy Framework (NPPF) and in line with paragraph 212.
- 10.43. NPPF Paragraph 208 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.”*
- 10.44. NPPF Paragraph 212 states: *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”*

Arboriculture

- 10.45. Because it is important that vegetation and trees within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion and its listing, is protected during development, details of tree protection measures have been provided with the application and would be secured by condition. As previously noted, the loss of some existing trees is considered to be justified by the wider benefits of the scheme, but Arboricultural Officers are opposed to the removal of any mature trees to allow the reinstatement/enhancement of views so this element has been removed from the proposal.
- 10.46. Full details of the landscaping and mitigation planting would be secured by condition to offset harm caused through the loss of existing trees.

Conclusion and Planning Balance:

- 10.47. The harm from the proposed boundary railings and gates, and loss of mature trees upon the Conservation Area, the Historic Park and Garden, and the setting of the Grade I Listed Royal Pavilion is acknowledged. The harm is 'less than substantial' under the terms of the NPPF and there are heritage and other significant public benefits that may be weighed against that harm as per the NPPF.
- 10.48. The development would generate increased accessibility and use of the gardens, particularly for those with protected characteristics such as reduced mobility. The works would increase the significance of the heritage assets (the setting and views of the Royal Pavilion) while helping to preserve and enhance for future generations the existing heritage assets. The development increases the public amenity benefits and education that the site currently provides through provision of more flexible buildings and an outdoor education space. Enhanced servicing access to the Royal Pavilion is provided with new access from Palace Place, increasing opportunities for the use of the gardens for special events to raise additional income in the support of the upkeep of the Royal Pavilion Estate.
- 10.49. Overall, it is considered that any harm to the setting of the listed buildings, to the historic character of the registered park and garden itself and to the appearance of the conservation area, has been mitigated as far as possible and the positive impacts are numerous. Given the above and that the development will enhance the cultural and tourism offering of the City, it is considered that the positive effects of the development outweigh the harm that the loss of some mature trees and proposed railings and gates would cause, and the development is in accordance with policies, DM26, DM27, DM29, DM30 and DM32 of City Plan Part Two and CP15 of City Plan Part One
- 10.50. The application is therefore recommended for approval.

11. EQUALITIES

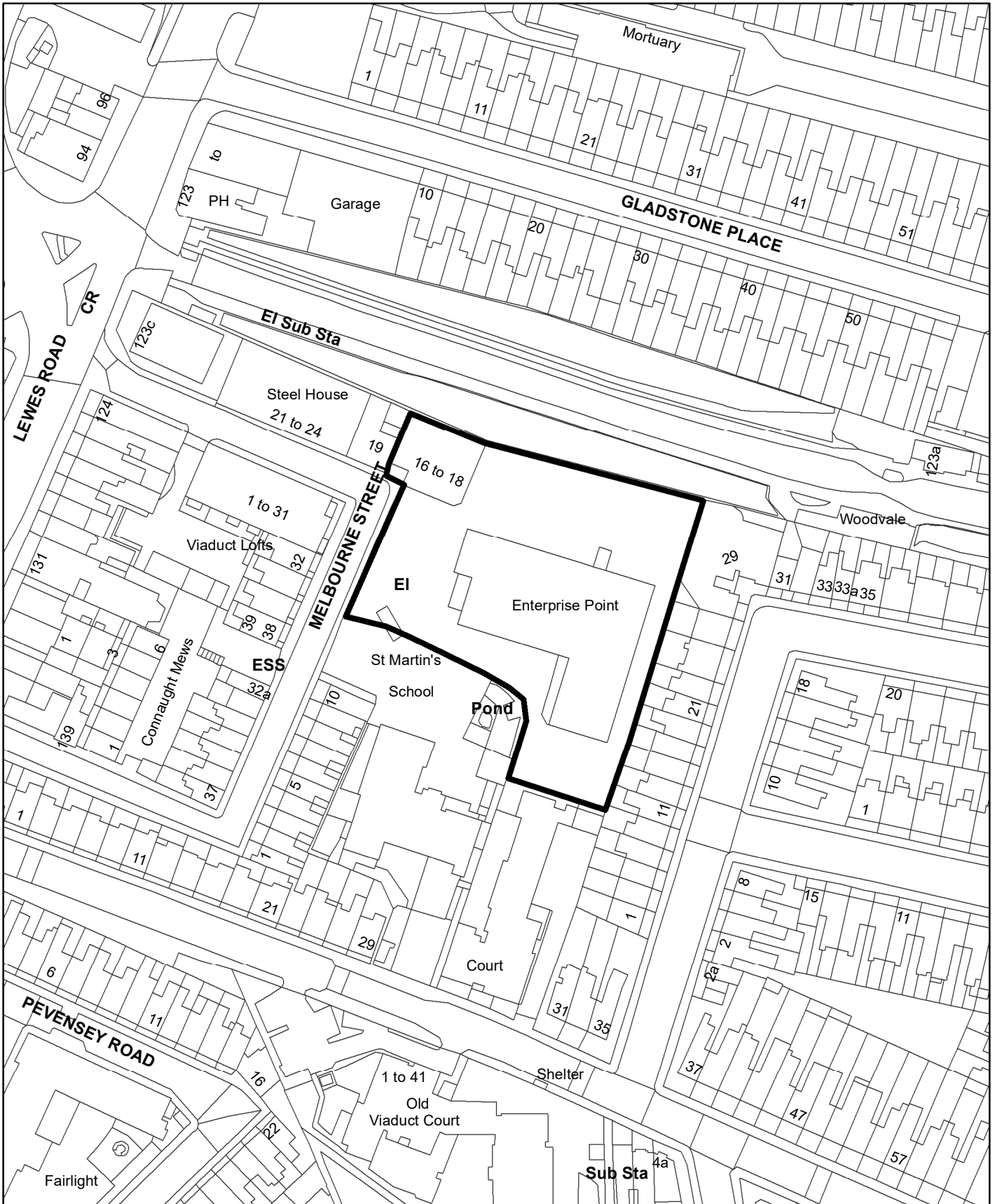
- 11.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy 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. The proposed development will enhance the existing pathways increasing access for those with visual or mobility impairments. A changing rooms facility and baby change facilities are also being provided to the refurbished toilet block building, all of which would enhance accessibility and use of the gardens, increasing equality of use.

ITEM C

**Enterprise Point
And 16-18 Melbourne Street
BH2023/02349
Full Planning**

DATE OF COMMITTEE: 8th May 2024

BH2023 02349 - Enterprise Point And 16-18 Melbourne Street



N



Scale: 1:1,250

<u>No:</u>	BH2023/02349	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Enterprise Point And 16-18 Melbourne Street Brighton BN2 3LH		
<u>Proposal:</u>	Demolition of the existing buildings and erection of a new development of four to seven storey buildings, comprising co-working business floorspace (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms, and gym and external landscaped amenity courtyard, gardens and podium terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 221 co-living studio flats and 1060 sqm co-working business floor space).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	22.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	21.11.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Third Revolution Projects Build Studios 203 Westminster Bridge Road London SE1 7FR		
<u>Applicant:</u>	Kosy Co Living EP Ltd, Cross Stone Securities C/o Third Revolution Projects Build Studios 203 Westminster Bridge Road London SE1 7FR		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **31st July 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of this report:

Section 106 Head of Terms:

Affordable Housing:

£2.5m commuted sum in lieu of homes on site.

Travel Plan:

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

Bikeshare docking station:

The cost of one bikeshare docking station.

Public Art:

The Developer covenants with the Council to commission and install on the Property an Artistic Component to the value of £41,336 including installation costs prior to first occupation of the development.

Employment and Training

- Submission of developer contributions of £22,100 to be submitted prior to site commencement.
- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2203-P-150	G	22 August 2023
Proposed Drawing	2203-P-151	D	22 August 2023
Proposed Drawing	2203-P-154	C	22 August 2023
Proposed Drawing	2203-P-155	B	22 August 2023
Proposed Drawing	2203-P-160	C	22 August 2023
Proposed Drawing	2203-P-171	B	22 August 2023
Proposed Drawing	2203-P-172	B	22 August 2023
Proposed Drawing	2203-P-173	A	22 August 2023
Proposed Drawing	2203-P-174	A	22 August 2023
Proposed Drawing	2203-P-201	H	22 August 2023
Proposed Drawing	2203-P-211	H	22 August 2023
Proposed Drawing	2203-P-213	B	22 August 2023
Proposed Drawing	2203-P-221	H	22 August 2023
Proposed Drawing	2203-P-231	H	22 August 2023
Proposed Drawing	2203-P-241	H	22 August 2023
Proposed Drawing	2203-P-251	J	22 August 2023
Proposed Drawing	2203-P-261	J	22 August 2023
Proposed Drawing	2203-P-271	H	22 August 2023
Proposed Drawing	2203-P-301	G	22 August 2023
Proposed Drawing	2203-P-302	F	22 August 2023
Proposed Drawing	2203-P-303	H	22 August 2023
Proposed Drawing	2203-P-304	G	22 August 2023
Proposed Drawing	2203-P-305	E	22 August 2023
Proposed Drawing	2203-P-306	E	22 August 2023
Proposed Drawing	2203-P-307	F	22 August 2023
Proposed Drawing	2203-P-308	F	22 August 2023
Proposed Drawing	2203-P-321	B	22 August 2023
Proposed Drawing	2203-P-371	A	22 August 2023
Proposed Drawing	2203-P-372	A	22 August 2023
Proposed Drawing	2203-P-373	A	22 August 2023
Proposed Drawing	2203-P-601	B	22 August 2023

Proposed Drawing	2203-P-602	B	22 August 2023
Proposed Drawing	2203-P-603	B	22 August 2023
Proposed Drawing	2203-P-604	B	22 August 2023
Proposed Drawing	2203-P-611	B	22 August 2023
Proposed Drawing	2203-P-612	B	22 August 2023
Proposed Drawing	2203-P-613	B	22 August 2023
Proposed Drawing	2203-P-614	B	22 August 2023
Proposed Drawing	2203-P-651	B	22 August 2023
Proposed Drawing	2203-P-921	C	22 August 2023
Proposed Drawing	2203-P-981	B	22 August 2023
Proposed Drawing	2203-P-982	B	22 August 2023
Proposed Drawing	2203-P-983	A	22 August 2023
Proposed Drawing	2203-P-984	B	22 August 2023
Proposed Drawing	2203-P-985	B	22 August 2023
Location and block plan	2203-P-100	B	22 August 2023

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

3. 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.

4. 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. The DEMP 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 joining the considerate constructors 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 demolition shall be carried out in accordance with the approved DEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8

of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

6. No development, shall take place (including demolition and all preparatory work) until a scheme for the protection of the retained trees to the north of the rear site boundary, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

7. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for protected species (bats, breeding birds, dormice, badgers, reptiles and hedgehog), invasive species such as buddleia (where required) and protection of Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site has been submitted to and approved in writing by the local planning authority. The content of the Method Statement shall include the following:

- a) purpose and objectives for the proposed works;

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

The works shall be carried out in strict accordance with the approved details and shall be retained and maintained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policy CP10 of the City Plan Part One.

8.

- (i). No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted desk top study (by Terrafirma ref. PO-22-020/P1EP dated Aril 2022) in accordance with BS 10175:2011+A2:2017;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (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.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of condition (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM40 and DM41 of City Plan Part 2.

- 9. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of

monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reasons: This condition is requested due to the historical uses of the site and the nearby Source Protection Zone, that could be placed at risk by mobilised contamination, and to also ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

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

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

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

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

12. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including provision of 4 bat boxes, swift bricks, bee bricks and landscape planting of high wildlife value 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.

Further supplementary ecological surveys for bats shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the EDS. The supplementary surveys shall be on an appropriate type for the above species and survey methods shall follow national good practice guidelines.

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 the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

13. Prior to the commencement of development (excluding demolition) a Sustainable Drainage Plan including 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 Outline Drainage Strategy, dated July 2023 shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage Plan shall include the following:

- (i) Details of the location of the existing drainage infrastructure.
- (ii) Details and location of the final drainage infrastructure as proposed in the Outline Drainage Strategy.
- (iii) Suitable assessment and management of flood risk from groundwater and surface water runoff given the proposed basement.
- (iv) Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations
- (v) The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- (vi) A management and maintenance plan for the final drainage design for the proposed development, which includes the orifice plates.

The approved Sustainable Drainage Plan shall be implemented and maintained in accordance with the approved detailed design.

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 prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance Policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

14. Notwithstanding the plans hereby submitted, no development hereby permitted shall take place until a full scheme of highway works for improvements to Melbourne Street have been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Improve the northern footway to and in the vicinity of the development by -
- removing the redundant vehicle crossovers and reinstate these as raised footway;
- widening the adopted footway (if necessary, through dedication of additional land as adopted highway) so that its unobstructed clear width after street furniture and other potential obstructions is either: (A) $\geq 1.8\text{m}$ wide; or (B) $\geq 1.5\text{m}$ wide but with regular $\geq 1.8\text{m}$ wide passing areas of a minimum 2m length including but not limited to in front of doors and entrances;
- Resurface and improve the footway; and
- provision of an on-street inset loading bay on Melbourne Street in front of the 'Phase 2' development site.

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

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

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

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

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, DM26, and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- An energy statement demonstrating how the development will meet the requirements of the Future Homes Standard and Future Buildings Standard, as appropriate for the different elements of the development;
- Overheating risk assessment

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

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

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the Air Source Heat Pumps (ASHP) have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the technology, distribution systems and location(s) of water storage. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.

Reason: To ensure that the development contributes to sustainability enhancement on the site and in accordance with policy CP8 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure that the development contributes to ecological enhancement on the site and in the interests of sustainability, in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

19. No development (including demolition) shall take place until a survey report and a method statement has been submitted to and approved in writing by the Local Planning Authority, setting out how the existing flint boundary wall on the northern boundary of the site is to be protected, maintained, repaired and stabilised during and after demolition and construction works. The report shall include details of any temporary support and structural strengthening or underpinning works required. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One.

20.

- (a) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

- (b) No 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 written details 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 set out in the written scheme of investigation approved under (a).

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

21. 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.
22. The development hereby permitted shall not be occupied until details have been submitted in writing to the Local Planning Authority for approval of identified designated outdoor smoking areas and associated external cigarette bins at entrances and exits of the building hereby approved. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.
Reason: In the interests of residential amenity and the visual amenity of the area and to comply with DM20 and DM40 of Brighton & Hove City Plan Part 2 and policy CP13 of the Brighton and Hove City Plan Part One.
23. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how and where deliveries and move-in/move-out will be scheduled and otherwise be managed, dwell times for deliveries and move-in/move-out activity, how deliveries servicing and refuse collection will take place, and the frequency of all 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.
24. Notwithstanding plans hereby submitted, and prior to occupation of the development, details of secure and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. This should include:
 - a) A detail of the secure access provisions proposed;
 - b) Proposed cycle parking stores which are accessible from the proposed pedestrian/cycle only courtyard space and do not encourage potential conflict with motor vehicles;
 - c) The layout of SPD 14 policy compliant long-stay cycle parking provisions, including dimensions of the cycle parking store including aisle widths and vertical clearance (demonstrating 2.6m can be achieved where two-tier stands are proposed);
 - d) Long-stay cycle parking types including 20% Sheffield stand provision and 5% enlarged Sheffield stand provision;

- e) A mobility hub/cycle parking store to provide long-stay cycle parking, and provisions for electric charging provision for scooters/e-bikes; and
- f) SPD 14 policy compliant short-stay cycle parking (i.e., Sheffield stands) should be provided in the public realm within the curtilage of the proposed development site; and
- g) the proposed location for the BTN Bikeshare hub and bikes (10 bikes) within the on-site courtyard area.

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.

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

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM21, DM21, DM27 of Brighton & Hove City Plan Part 2, and CP12, CP15, CP13 of the Brighton & Hove City Plan Part One.

26. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.

Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.

27. Prior to occupation, a Lighting Design Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and/or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- 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 and details of maintenance. The predicted illuminance levels shall have been tested by

a competent person to ensure that the illuminance levels agreed 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.

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

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2. 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.

28. The development hereby approved shall not be first occupied until details of the photovoltaic array shown on the approved roof plan (drawing no. 2203-P-271-H) as been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation and thereafter retained.

Reason: In the interests of visual amenity and 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

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

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

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

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

30. The development hereby permitted shall not be first occupied until full details of roof plant and machinery been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.
31. The development hereby permitted shall not be first occupied until full details of privacy screens on the boundaries of the balconies hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The screens shall be installed prior to occupation of the development and thereafter be retained.
Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
32. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.
33. The development hereby approved shall not first occupied until a Building Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:
- i) Details of the numbers and nature of staff to be on site including 24 hour security arrangements.
 - ii) Location and permitted use by residents, business users and community users of outside amenity areas including building entrances and access, hours of use and management of outside amenity areas.
 - iii) Details of community liaison arrangements including contacts and complaints procedures.
 - iv) Details of arrangements for arrivals and departures of residents.
 - v) Details of management and access to indoor communal facilities including to community and gym facilities.
- The agreed Building Management Plan shall be implemented in accordance with the approved details and retained as such thereafter.
Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton and Hove City Plan Part One.
34. 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.

35. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.
36. Piling and investigation boreholes using penetrative 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.
Reasons: Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. To ensure that the proposed intrusive works does not harm groundwater resources in line with paragraph 174 of the NPPF and Position Statement A3 of the 'The Environment Agency's approach to groundwater protection'.
37. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
38. The floors/walls/stairs between the commercial/communal areas and the residential uses shall be designed to achieve a sound insulation value of at least 5dB better than Approved Document E performance standard.
Reason: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
39. 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.

40. 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.

41. The wheelchair 'accessible' studio rooms hereby permitted as detailed on approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

44. The non-residential part of the premises hereby permitted as shown on the Proposed Ground Floor Plan 2203-P-201-H shall be used as an office (Use Class E(g) (i) and (ii)) only and for no other purpose (including any other purpose in Class E 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). 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 supply of office floorspace in the city given the identified shortage, to comply with policies CP2 and CP3 and DA3 of Brighton & Hove City Plan Part One.

45. The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended).

Reason: In order that the development complies with policy CP3.4 of the Brighton and Hove City Plan Part One which allocates the site for mixed employment and residential use and contributes towards the delivery of homes and employment space in the city.

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

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

47. Prior to first occupation, 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.

48. Prior to first occupation of the development hereby permitted, a Car Park Layout Plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include:

- a) Details and layout of the proposed disabled parking, car club cars/bays, motorcycle parking, electric vehicle parking and charging, loading bays, service and delivery areas and signage (markings and signs) for the management (such as numbered spaces and Department for Transport approved names and symbols (e.g., for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate.
- b) Disabled parking should be designed in accordance with Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People and

BS8300:2001.26. Each of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.

- c) Demonstration of how the proposal complies with SPD14 Parking Standards.
- d) Swept path analysis drawings demonstrating and how vehicles will access/egress and manoeuvre within the car park safely.
- e) Also, this should include dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies.

The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of the City Plan Part One & DM33 and DM36 of City Plan Part Two.

49. Prior to commencement of the development hereby permitted, a footway layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of gradients, lighting, handrails and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). The layout plan should also include an on-footway loading bay to retain existing footway widths on Melbourne Street. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies TR7, TR11, TR12, TR17, TR18, HO11, HO12, HO13, HO14, HO15, HO19, QD14 and QD21 of the Brighton & Hove Local Plan and CP3, CP5, CP6, CP7, CP9, CP12, CP13, CP16, CP17, CP18, CP22, SA6 and WLP1 of the City Plan Part One and DM33 of City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to Developer.Services@southernwater.co.uk
3. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections

Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

4. Swift bricks/boxes 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 alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.
5. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
6. 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/>
7. In order to be in line with Policy DM33 of the Brighton & Hove City Plan Part Two cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'twotier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'
8. You are advised that details of the development will be passed to B&HCC as Local Highway Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

9. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People and BS8300:2001.26. A combination of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.
10. 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).
11. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
12. The applicant is advised that they must apply for a license for the proposed door(s) and/or gate(s) that open over the public highway under Section 153 of the Highways Act 1980. Please contact the Council's Highway Enforcement Team for further information (street.licensing@brighton-hove.gov.uk 01273 292090).
13. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part.
14. The applicant is advised to ensure compliance with Part S of the Building Regulations, which came into effect on 15 June 2022, and requires, "Where one or more dwellings with associated parking result from a building, or a part of a building, undergoing a material change of use at least one associated parking space for the use of each such dwelling must have access to an electric vehicle charge point."

2. SITE LOCATION

- 2.1. The site comprises the main building of Enterprise Point which is a part five-, part six-storey L-shaped 1950's style industrial building with roof plant above. Until this was built the site had been largely undeveloped, having been historically used as an earthworks in conjunction with the now-defunct railway viaduct.
- 2.2. The front of the building is set back 18.5 - 20m from Melbourne Street, with the five-storey southern wing beyond this. The site slopes downwards from rear to front (west) by over 7 metres and so due to the topography the two wings of the current building have a flat roof at the same height. The existing building has a gross internal floorspace of 5,459.2 sqm. The second building on the site was 16-18 Melbourne Street (now demolished), with a two-storey industrial unit in the north-west corner of the application site.
- 2.3. The site is flanked on the east boundary by the rear of a terrace of residential properties on Shanklin Road. To the south is a primary school and on the north boundary the access road to Woodvale Crematorium. The north boundary is

heavily screened by a large belt of mature deciduous trees on the crematorium land owned by the city council. On the north-east boundary of the site is a 4-storey former industrial building converted to 20 flats which has its west elevation on the boundary of the application site with windows facing (west) directly onto the existing current car park of Enterprise Point.

- 2.4. The character of area is mixed, having historically been an area of generally small-scale housing and employment uses as well as St Martin's Primary School, built around a narrow street. Opposite the site on Melbourne Street is a part seven-, part four-storey contemporary block of 31 flats known as Viaduct Lofts. To the south are small terraces of two storey houses also on Melbourne Street. To the west of the site on Melbourne Street are a row of low-rise industrial buildings in use as workshops and vehicle repairs. This site has a planning permission (approved under application BH2019/01820) for a new development of 4 and 6 storeys (plus basement level) for co-working business floor space (B1) and 83no co-living residential units (Sui Generis), including gym/community space (80m²) and ancillary café.
- 2.5. The Round Hill Conservation Area is prominently located further to the west of the site on the western side of Upper Lewes Road. The Valley Gardens Conservation Area lies further to the south-west of the site, approximately 450m away. The adjoining Woodvale Crematorium to the northern boundary is Grade II listed on the Register of Parks and Gardens of Special Historic Interest in England, and also contains listed buildings and structures. There are further listed buildings in the Locally Listed City Cemetery to the north of the site.
- 2.6. The adjoining Woodvale Crematorium is also designated as a Site of Nature Conservation Interest (SNCI)/Local Wildlife site.

3. APPLICATION DESCRIPTION

- 3.1. This application seeks permission for the demolition of the existing buildings and erection of a new development of four- to seven-storey buildings, comprising co-working business floorspace (use class E) and provision of co-living studio flats (sui generis – outside of any use class) with communal internal spaces including kitchens, living rooms, and gym and external landscaped amenity courtyard, gardens and podium terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street.
- 3.2. The details of the accommodation within the development are as follows:
 - 221 co-living studio flats;
 - Coworking areas (410 co-working desks, reception, kitchenette, bathrooms, meeting rooms, cinema room, WCs and printers): 1060 m² of business space including a bathroom and kitchenette area;
 - Shared living, cooking and dining spaces;
 - Ground and first floor level outdoor shared amenity spaces;
 - On-site gym, laundry room, and bicycle stores.

- 3.3. The proposal (indicated in the application submission as 'Phase 2') would be integrated with the permitted scheme at 19-24 Melbourne Street (referred to as 'Phase 1').
- 3.4. The present scheme follows the approval, on appeal, of a similar mixed-use development of the site (ref. BH2022/01490; appeal ref. APP/Q1445/W/23/3321177). That scheme was taller at 6 – 8 storeys, with a greater number of co-living studio flats - 269, and a comparable amount of co-working business floor space - 941sqm). In more detail, this current application differs from the approved appeal scheme in the following ways:
- Reduction in the number of co-living rooms from 269 to 221;
 - Increased amount of employment space from 940sqm to 1060sqm
 - Blocks A moved 2m east, Block C moved 0.5m west and Block D moved 1m west, with a resultant narrowed central amenity space by 1-1.5m.
 - Reduction in height of Blocks A, C and D (by 1 and 2 storeys for Block A and 1 storey each for Blocks C and D);
 - Angled windows on the top two floors of Blocks C and D and top 4 floors of Block B, facing Shanklin Road;
 - Reconfiguration to external courtyard and parking areas;
 - Replacement of trees with lower level planters to public realm on Melbourne Street, and additional public realm planting in front of Block A.

4. RELEVANT HISTORY

- 4.1. This application is one of a number that has come forward on this site and those nearby.
- 4.2. A proposal for the Machine Mart site to the west facing Lewes Road, subject to a separate application, was recently withdrawn (application BH2022/01489).
- 4.3. Outline permission BH2013/01575 was granted in 2014 for the comprehensive redevelopment of the application site for a development providing 73 residential units and 1030sqm B1 office floorspace. This consent has now expired.
- 4.4. A subsequent application for the development of the site for a predominantly purpose-built student housing scheme (BH2018/02751) was refused in April 2019.
- 4.5. As noted above more recently, a planning application (BH2022/01490) for a similar mixed-use development as proposed in this application was allowed at appeal in February 2024 (appeal ref. APP/Q1445/W/23/3321177).
- 4.6. The following sets out more details:
- 4.7. **BH2022/01490** Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car

parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm co-working business floor space) Refused 14 March (Appeal Allowed 15 February 2024).

- 4.8. **BH2021/03899** Demolition of existing single storey building - Prior Approval Not Required 25/11/2021
- 4.9. **BH2021/02825** Prior approval for change of use of part ground floor from office (B1) to residential (C3) to form 2no dwellings - Prior Approval Required Refused 23/09/2021
- 4.10. **BH2021/02826** Prior approval for change of use of second floor from office (B1) to residential (C3) to form 17no dwellings - Prior Approval Required Refused 24/09/2021
- 4.11. **BH2021/00726** Replacement of existing telecommunications installation to include 6no new panel antennas measuring 2.1m in length at 22.5m, removal and replacement of 6no panel antennas at 22.5m together with ancillary equipment - Prior Approval Required Approved 22/04/2021
- 4.12. **BH2018/02751** - Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works (Amended plans). - Refused 25 April 2019.
- 4.13. **BH2013/01575** - Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the south wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units - Granted - 15 August 2014 (Expired consent).

19-24 Melbourne Street

- 4.14. **BH2019/01820** Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m² of co-working business floor space (B1) including gym/community space (80m²) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage) - Approved 18/09/2020

Viaduct Lofts, Melbourne St

- 4.15. **BH2009/00655** Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear - Refused 08/07/09 (Appeal allowed 18/08/10)

123C Lewes Road

- 4.16. Demolition of the existing building and erection of 5 storey building, comprising a cafe (E) at ground floor and provision of co-living studio flats (sui generis) with residents rooftop terrace, ancillary cycle parking, bin stores and associated works to the public realm. (For information: proposed building includes 51 co-living studio flats with communal living space on each floor) - Withdrawn

5. REPRESENTATIONS

- 5.1. Eighty Four (84) individual letters of representation have been received objecting to the proposed development for the following reasons:

Principle:

- Unclear on demand for co-living
- Permanent housing for families needed
- Inappropriate height and disproportionate size
- 'Co-living' is nothing more than student halls of residence
- Area will become overpopulated
- Will not be affordable
- Loss of existing uses including charities, artists and musicians
- Would be used as holiday lets
- Glorified student accommodation
- Not in keeping with the current needs of the community or local area
- Overdevelopment
- Local area can still not cope with this additional footfall
- Boxed sized studio flats with no self-contained cooking/living spaces
- Vast development being shoe-horned into a tiny area High rise buildings pose a significant fire risk
- Sole purpose is to maximise rental density
- Cynical idea of cramming as many people into tiny spaces as possible
- Too small and cramped for the area and would be unaffordable for those currently living there.
- Detrimental to the local wildlife and the trees already in the area
- The wildlife (including badgers, foxes and hedgehogs) and the range of birds will diminish

Poor design:

- Unimaginative square blocks
- Out of character with the area
- Takes up the entire plot of land by building right up to the legal boundary
- Significantly larger and closer to neighbouring properties than Enterprise Point.
- Building is far too close to the boundary of the property

- Will make the small narrow street dark
- Will create a wind tunnel
- Poor accessibility for disabled people

Residential Amenity:

- Overshadowing, loss of light and loss of privacy to Shanklin road, Melbourne street and viaduct lofts o Impact on school from building works
- Loss of light and sunshine
- Block light and views and the sight of trees from many residents
- Would overlook the school
- No longer have any sunshine in flat or garden on Shanklin road
- Extra pollution
- No privacy for Viaduct Loft balconies
- Local services are already stretched
- Additional pressure on waste collection, local GPs and NHS dentists

Noise:

- Hundreds of tenants will share a roof terrace social space
- Extra traffic and vast number of residents will be disruptive and noisy
- Loud events and parties with people coming and going all hours of the day and night

Traffic or Highways:

- The density is too high for parking proposed
- Small one-way street
- Would result in parking on nearby roads
- The extra traffic may cause more accidents
- The amount of delivery drivers will increase
- Already stretched parking in the area will be challenged
- This is already an area with very poor air quality

5.2. Thirty Four (34) individual letters of representation have been received in support of the proposed development for the following reasons:

- Enterprise Point is a blight on the Brighton landscape
- Not transient, as residents will have a 12 month tenancy, as do most renters in Brighton
- Melbourne Street will be a much nicer place to look at
- Would help with housing shortage
- This is exactly the accommodation that I will be looking for when leave university and start my own business here
- Good for retaining graduates in the city
- Would free up family housing
- Provides a different type of housing for the city
- Provides lots of facilities
- Accommodation would ease burden of loneliness

6. CONSULTATIONS

External

6.1. **County Archaeologist: No Objection**

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

6.2. **County Ecologist: No Objection**

Updated versions of the previous ecological survey reports have been submitted in support of the new application. It is understood that the impact to existing habitats (including trees) and the proposed habitat creation / enhancement is broadly the same as proposed under the previous scheme

6.3. It is recommended that the proposed development is approved in principle subject to the imposition of conditions, including a condition to undertake further bat surveys on s of the two moderate trees prior to any tree works.

6.4. **Conservation Advisory Group: No Objection**

6.5. **Environment Agency: No Objection**

No objection to the proposal provided that recommended conditions be attached to any planning permission granted.

6.6. **Health and Safety Executive: No Objection**

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

6.7. **Indigo Pipelines: Previous Application Comment**

If the applicant finds buried Gas Plant that are not marked or are incorrectly marked on record plans, then the applicant is required to contact us as soon as possible to give Indigo Pipelines the opportunity to amend records. There may be other privately owned buried Gas Plant in the area, which is outside the control of Indigo Pipelines Ltd. Attention is drawn to the need to take trial holes to determine the exact position and depth of buried Gas Plant to avoid the risk of injury to staff or damage to the existing Plant.

6.8. **National Highways: No Objection**

This is on the basis that the development will be predominantly car-free and that the tenancy agreements will state that residents are not entitled to on-street resident parking permits. Consequently, the proposals will generate minimal additional traffic on the Strategic Road Network (A27) in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the Strategic Road Network.

6.9. **Scottish Gas Networks: Previous Application Comment**

In the event that gas pipes are present within the site, there should be no mechanical excavations taking place above or within 0.5m of a low/medium

pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.

- 6.10. **Southern Water: No Objection**
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.11. The Submitted surface water drainage information shows no flows greater than existing levels is to be connected to the system proving the betterment (limiting the rate of existing brownfield rate to a minimum 50% of the existing brownfield runoff rates) of the surface water system which is acceptable by Southern Water.
- 6.12. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.
- 6.13. **Sussex Police: No Objection**
From a crime prevention perspective with regards to the co-living studios within the development, it will be imperative that access control is implemented into the design and layout of each block to ensure control of entry is for authorised persons only. To prevent the lift and stairwell providing unrestricted access onto a residential landing, each resident should be assigned access to their floor only via the use of a security encrypted electronic key both on the stairwell & landing door. An additional secure doorset prevents access to each landing from both the lift and stairwell
- 6.14. Further advice is given in relation to the Secured by Design scheme.
- 6.15. **UK Power Networks: Comment**
Information provided in relation to the electrical lines and/or electrical plant, and regarding the use of their plans and working around their equipment.
- Internal
- 6.16. **Air Quality: Previous Application Comment**
The vehicle trip contribution including servicing and other will be less than 100 per weekday. It is recommended that there is an avoidance of combustion on site - including gas boilers with emissions to air.
- 6.17. **Arboriculture: Comment**
Original comment remains.
- 6.18. The Arboricultural Impact Assessment states that pruning in some instances will exceed the maximum recommendation stated within BS 3998: Tree work - Recommendations, this will have a detrimental impact upon tree health, the expectation post development pressure and the requirement for repeated intervention pruning to maintain a minimum of 1 metre clearance from structure, leading to the loss of the majority of trees currently in proximity.

- 6.19. The proposed development is within the root protection area for the majority of trees located upon the bank, although we cannot assume there is rooting activity within current hard standing, proposed excavation to enable foundation construction will remove any that had an opportunity to establish.
- 6.20. It is worth noting that access for both inspection and intervention work to the north bank will be highly complex once construction has been completed, placing a considerable burden upon the cemeteries budget, post development pressure to maintain clearance from structure, complaints relating to shading, leaf drop and wildlife ingress are to be expected from future residents.
- 6.21. BHCC Arboriculture are of the opinion that should consideration be to grant consent to development, the majority of current vegetation will require removal pre and post development, the team would also recommend Cemeteries arrange for an assessment of trees within their boundary to address safety issues raised within the tree survey.
- 6.22. **Economic Development: Previous Application Comment**
Economic Development regrets the significant loss of B1(a) office floorspace within Brighton & Hove, however, this will be partly redressed by provision of co-workspaces at ground level on this site. Economic Development therefore welcomes the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who are struggling to find suitable and affordable workspace in Brighton & Hove. We also note that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace which we would welcome.
- 6.23. **Employment and Skills: Comment**
Due to the size of this development, it would be categorised as a major development and as such would be subject to developer contributions in line with the council's Technical Guidance for Developer Contributions. Based on the information provided in the application, the contribution requested is £22,100 and will be included in a S106 Agreement.
- 6.24. In addition, as there will be demolition and construction phases involved in the development, separate Employment and Training strategies will be required in respect of both phases which should be submitted for approval 1 month before phase commencement.
- 6.25. **Environmental Health: Previous Application Comment**
Historical mapping shows that 15-18a Melbourne Street previously operated as Salvage merchants, Scrap Iron and metal merchants. A contaminated land desk top study has been carried out and a Land contamination consultant has determined that the Councils con land condition and asbestos condition are required. The report has identified that asbestos may be a concern. If asbestos is found during construction it should be disposed of responsibly and taken to a licenced site.

- 6.26. An acoustic report has been carried out which states that the type of equipment to be installed has not yet been decided upon. Once this has been decided upon the applicant should ensure that equipment will meet the following criteria and that this should be conditioned
- 6.27. **Heritage: No Objection**
It was acknowledged in previous Heritage comments relating to earlier versions of the proposals, which now relate to the previous scheme, that the greatest impact and greatest harm occurred in View 3, from 103 Roundhill Crescent. Since then, the proposals presented at this application have been further reduced in terms of its scale, bulk and better consideration of the design of the top of the buildings which are visible in conjunction with heritage assets and their settings. As a result, there is a considerable improvement in the visibility of the proposals and distant tree and horizon lines as per the photomontages provided, and especially in the view from 103 Roundhill. Therefore, although, there would be some harm to the settings of heritage assets, from the proposals, this harm would be considered 'minor', which could potentially be outweighed by other benefits which should be clearly demonstrated as part of a full application.
- 6.28. This identified harm should be given the appropriate weight in assessing the overall planning balance of the application.
- 6.29. **Housing Strategy: No Objection**
Housing has general concerns regarding co-living as a housing type in terms of the overall numbers of people housed, affordability and living space provided. There are also some technical issues such as how Council Tax will be billed and paid and how utility costs are calculated that need to be clarified.
- 6.30. Housing accepts that the tenure and the nature of the proposed co-living concept does not lend itself to nominations from the council's Housing Register. Given this it is accepted that provision of on-site affordable housing is not possible and a financial contribution towards off-site provision is considered a positive solution in this instance if the application is approved. It is recognised that £2.5m was previously offered and agreed as acceptable.
- 6.31. Commuted sums are a policy position when affordable housing cannot be provided on site. Any payment will be used to fund council programmes providing affordable rented homes in the city.
- 6.32. Regarding rental affordability Housing would prefer to see non-essential items offered as optional add-ons to the rent rather than automatically included for all the rooms, particularly for the office space which is largest single obligatory add-on.
- 6.33. **Land Contamination Consultant: Comment**
The report states there is no radon issue at this site. The radon maps for the UK were updated after this report was completed and this area now lies in a radon affected area.
- 6.34. The local government database shows there was:

- a. a salvage / scrap metal industry on the site in the north west corner.
 - b. A motor car and coach building business adjacent to the north west of the site (but within the extended development).
- 6.35. The team agree with the findings of this report that recommends a phase 2 intrusive site investigation for the site.
- 6.36. **Planning Policy: No Objection**
Applying a ratio of 1.8 co-living units to one residential dwelling, the development would equate to 123 standard dwellings. This would contribute towards the housing target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3. There is a substantial five-year housing supply shortfall (which has worsened slightly since the figures reported at the BH2022/01490 appeal hearing). Therefore increased weight should be given to housing delivery when considering the planning balance, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 6.37. The applicant references a market assessment by JLL which provides evidence of likely potential demand for co-living in the city and has also submitted an Affordability Statement which provides some cost comparisons with alternative forms of private rented accommodation. The proposed rents would not be cheap but would be competitively priced towards the higher end of the rental market, particularly for those residents wishing to make full use of the onsite facilities provided. It is accepted that co-living development would increase the variety of accommodation available within the city. The flexible nature of this accommodation could be attractive particularly to younger, single people seeking high quality, modern rented accommodation as an alternative to shared houses or flats. As such, it is accepted that the development would increase the variety of rented accommodation available within the city.
- 6.38. Policy CP3 designates the Melbourne St Industrial Area for employment-led (residential and employment) mixed use development, however the net loss of employment space on this site was considered acceptable when determining the previous application BH2022/01490. The amended scheme proposes a slightly increased level of employment floorspace (940 sqm to 1,060 sqm) compared to BH2022/01490 which is welcomed. The co-working space would be available to both residents and non-residents and would allow for a variety of working formats.
- 6.39. **Private Sector Housing: No objection**
- 6.40. **Public Art: No objection**
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.
- 6.41. **Sustainability: Comment**
The Energy Statement is unchanged from the statement provided in 2022.

- 6.42. Clarification is required over the heating and PV proposals and whether they relate to the development as a whole or to individual buildings. Further clarification is needed on whether the residential and the non-residential parts of the development are being developed to the appropriate residential / non-residential standards - the Energy Statement lacks clarity on which standards apply to which parts of the development. The developers should ensure that they meet not only BHCC's planning policies but also the 2020 Building Regulations which came into force in June 2022. Conditions are recommended.
- 6.43. **Sustainable Drainage: No objection**
The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. These strategies are the same as proposed for the previous application, with calculations having the same results. The targeted discharge and attenuation rates and methods of capturing, attenuating and discharging runoff all are also the same as previously proposed.
- 6.44. The Lead Local Flood Authority (LLFA) has no objection to the current proposal. However, further information will be required at detailed design phase for full approval.
- 6.45. **Sustainable Transport: No Objection**
Acceptable, subject to the inclusion of the included conditions, informatives and requests the implementation and ongoing monitoring of Residential and Workplace Travel Plans, secured through the Section 106 agreement, and a Section 278 agreement to deliver the proposed improvements to Melbourne Street, including a Stage 1/2 Road Safety Audit, which will secure the outstanding information.
- 6.46. **Urban Design Officer: Comment**
In summary, amends to proposals are welcome in principle from an urban design perspective. However, some previous comments still stand. Submitted diagrams and visuals clearly present the relationship of the proposed to its neighbouring context in terms of impact of height and scale. The reductions in height are welcome and slightly improve the impact on their immediate context in terms of amenity and daylighting. The number of single aspect dwellings, including single aspect North facing dwellings has reduced in line with the reduction of height, particularly of Block A, which was previously raised as a concern.

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

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open Space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation
DA3	Lewes Road Area

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM6	Build To Rent Housing
DM7	Houses in Multiple Occupation (HMOs)
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
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing

DM37	Green infrastructure and Nature conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Guidance:

Co-Living Interim Planning Guidance Note

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the proposed development on the visual amenities of the site and surrounding area, the proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, biodiversity, and sustainability impacts must also be assessed.

Principle of Development:

Planning Policy Background:

- 9.2. The site is located within the DA3 Lewes Road Development Area. A key aim of this strategic allocation is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which:
- improve further and higher education provision in the Lewes Road area;
 - facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling;
 - secure improvements to the townscape and public realm;
 - deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives;
 - improve air quality in the Lewes Road area; and
 - deliver the amounts of development set out in allocations within Part B of the policy.
- 9.3. The Melbourne Street Industrial Area is located to the east of the Lewes Road District Shopping Centre and is identified as being in need of investment in the supporting text to policy DA3.
- 9.4. The application site is allocated in City Plan Part One Policy CP3 as part of the 'Melbourne Street Industrial Area' allocation for employment-led (residential and employment) mixed use development. The allocated site comprises the application site together with the smaller adjoining site to the west at 19-24

Melbourne Street (development approved under application BH2019/01820), along with the site at 123C Lewes Road. It is considered that developing the entire CP3.4 strategic allocation as one development, albeit phased, would have the potential for a more coherent development that overall makes better and more efficient use of the wider site in principle. However, this is subject to details of the development as assessed within this report.

- 9.5. Policy CP3 identifies the Melbourne St Industrial Area for employment led (residential and employment) mixed use development. This policy seeks to safeguard sufficient employment sites and premises to support job creation and the needs of modern business whilst allowing some mixed use. The existing Enterprise Point application site has been in a dilapidated state for many years and therefore its redevelopment would be welcomed in line with its inclusion as a strategic allocation in Policy CP3.
- 9.6. Since the previous application was determined at Planning Committee, the Council has published an Interim Planning Guidance Note for Co-living development in order to assist with the determination of planning applications for 'Co-living' housing development in the city. The need for this guidance has materialised as there are no direct references to co-living in the development plan, and there is likely to be increasing interest in developing this form of housing in the city. Although the City Plan does not include direct reference to Co-living housing, the Plan does include relevant policies relating to sustainable neighbourhoods, housing density, housing mix and quality, affordable housing, design, and protection of amenity.
- 9.7. The Interim Planning Guidance document sets out the background to co-living development, how the current local policy framework relates to co-living development, and consequently sets out the expectations for such development. This interim guidance is not new policy, but it is an informal note for Council officers and developers to help clarify how the existing policy is interpreted in the context of co-living development. The guidance was accorded very limited weight by the inspector at appeal for application BH2022/01490 but is still considered helpful as a framework to assess planning applications for co-living development.

Employment:

- 9.8. Policy CP3 designates the Melbourne St Industrial Area for employment-led (residential and employment) mixed use development. City Plan Policy CP2 'Planning for Sustainable Economic Development' supports the bringing forward of a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The wider employment role of the area in bringing forward employment floorspace is acknowledged in Policy DA3 through a number of strategic allocations and through the protection of existing industrial estates within the area. The permitted scheme (BH2019/01820) on the adjacent site included 587m² of co-working floorspace within a development containing 83 single-occupancy co-living units.

- 9.9. The existing Enterprise Point building has a current use of Class E and sui generis space with employment space of 3,962m²sqm. The proposed co-working space on the ground floor level within two buildings would total 1,060.m², resulting in significant net loss of employment space. However, a similar level of proposed employment space was considered acceptable in the previous application BH2022/01490.
- 9.10. Policy CP3.4 allows for consideration of a net loss of employment space in certain circumstances. The existing floorspace within the building has been considered to be dated, in poor condition and not best suited for modern business requirements. Previous applications have accepted that the current buildings on site are unsuitable for ongoing commercial use, and that given the age and quality of the Enterprise Point building, refurbishment would not be viable. The redundancy of this building and the proposed level of employment floorspace provision is therefore considered acceptable here, and the regeneration of the site is welcomed in principle.
- 9.11. This proposed scheme would provide 1060.7sqm co-working space with 410 workplaces created in the two ground floor employment spaces. These workspaces comprise a mixture of desks, chairs at communal tables, sofas, and stools within ground floor level rooms.
- 9.12. The Council Economic Development team has previously welcomed the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who may find it difficult to find suitable and affordable workspace, and that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace. It is noted that demand for such space, particularly within a co-living development where residents have limited space to work within their own residential accommodation, could provide a flexible way of working as changes in working patterns and greater homeworking opportunities continue. Overall, it is considered that the level of employment floorspace proposed is satisfactory in relation to the requirements in policies CP2, CP3, DA3 and DM11 with regard to employment.
- 9.13. The proposed employment space would fall under the broad Class E (Commercial, Business and Service uses) within the current Use Classes Order. Therefore, a condition is required to restrict activities to E(g) in accordance with Policy CP3.
- 9.14. The location is well located for high density development, with good access to local facilities and services (including health, recreation, schools and utilities), and being well served by public transport.
- 9.15. To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development and requiring a contribution towards the Council's Local Employment Scheme.

Co-Living Housing:

- 9.16. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.17. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.18. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.19. The Melbourne Street Industrial Area is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) for an indicative 80 residential units. It was established during the determination of the adjoining site in application BH2019/01820 (and subsequently this application site under BH2022/01490) that sui generis co-living accommodation can be counted towards the city's housing target. The contribution towards the target is calculated at a ratio of 1.8 co-living units to one housing unit, as set out in the national Housing Delivery Test guidance. The proposed 221 units would therefore equate to a contribution of 123 housing units.
- 9.20. The proposed development of the site would therefore contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3 and there is therefore no objection in principle to co-living accommodation on the site. Further, policy DM6 of City Plan Part 2 relates to Build-to-Rent developments of which co-living is a variety which would provide professional and on-site management, and the application is considered to comply with this policy.
- 9.21. The type of occupation would be flexible, with short tenures available as well as long-term leases, and management of rentals is expected to be in-house which would reduce fees for renters. There would also be no utility bills and the use of the gym and other facilities including break out space, laundry etc would be included. Residential occupants would also be able to use the workspaces on the ground floor at no extra cost. Kitchen utensils, bed linen and cleaning services would also be included in the rent.
- 9.22. The Interim Guidance indicates that applications for co-living accommodation should be of a moderate scale (i.e. no more than around 100-200 units). However, in the appeal decision for application BH2022/01490, the Inspector considered the proposal for 269 co-living units would be acceptable when weighing its benefits against its adverse impacts. Therefore, this reduced

proposal for 221 units would be considered acceptable in terms of scale and potential impact.

- 9.23. Whilst the limited mix of housing types and sizes does not fully comply with Policies CP19, CP14 and DM1, the acceptability of a co-living scheme of this scale and nature has been established under application BH2022/01490. The double occupancy nature of the units is noted and would provide an element of flexibility for future occupants. The s106 would ensure that no full-time students could live in the development and that the residential accommodation could only be used for the purposes set out in the application.
- 9.24. On this basis the principle of the housing to be provided on the site is considered acceptable and beneficial to the housing need in the City, which must be given weight in determining the application.

Affordable Housing:

- 9.25. Policy CP3 states that for employment-led mixed-use sites, an appropriate mix of housing and provision of affordable housing will be required to comply with CP19 Housing Mix and CP20 Affordable Housing. Offsite provision via a commuted sum payment is an accepted policy position in schemes with exceptional circumstances.
- 9.26. Whilst sui generis housing models do not strictly have a liability for affordable housing provision, CP20 notes that affordable housing will be sought for all residential developments and it has been agreed that the co-living model contributes towards the city's housing target. As accepted under applications BH2019/01820 and BH2022/01490, the co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register, and a financial contribution towards off-site provision is considered an acceptable solution.
- 9.27. For the previous application BH2022/01490 a commuted sum of £2,500,000 was agreed as an affordable housing contribution of significant benefit, and which has also been agreed to be provided in this application. This would be in the form a one-off payment which will be used towards the provision of affordable housing elsewhere in line with policy CP20. The basis for this calculation has been agreed with the Council Housing Strategy team and is considered to be acceptable and would be secured through a s106 legal agreement.

Standard of Accommodation:

Internal Layout:

- 9.28. The proposed co-living rooms have been reduced from 269 to 221 in this revised application. As a consequence of the reduction in numbers, reduced heights and improved separations distances away from site boundaries, overall it is considered the standard of accommodation is an improvement over the approved appeal scheme. The number of single aspect dwellings, including single aspect north facing dwellings has reduced in line with the reduction in height, particularly of Block A.

- 9.29. Generally, it is considered that the ground level internal spaces appear well proportioned and locations of secondary elements such as bin stores, cycle stores, and plant rooms etc. appear successful. The proposed development would provide co-working spaces conveniently located at ground floor level, which appear well proportioned and benefit from high levels of natural light. The provision of living space is proportionately distributed throughout the floors of the buildings. The upper floor corridors are long and double-banked, but they have end windows for natural light. The ground floor entrance lobbies appear to be generous in size that could accommodate seating/gathering space.
- 9.30. The single aspect units (i.e. units with windows facing only in one direction) could present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. However, these are not self-contained units, and future residents would benefit from shared kitchen/lounge amenity spaces on each floor. Overall, there would be an average of 5.5 sqm indoor shared space per studio with around 9-12 studios per kitchen. The submission indicates that all studio and co-living rooms offer capacity for a sky view within the room and, with effective internal arrangements, may afford residents good outlook. As such, proposals are considered to optimise aspect/outlook for this type of housing.
- 9.31. The proposals would provide a co-living/co-working development, where the residential studios are sized below the Nationally Described Space Standard of 37sqm for a studio unit (instead mostly an average of 24sqm with larger accessible units). However, these are not self-contained units and so residents would not be expected to be solely living within the studio room, but would have access to common kitchen/lounges on each floor, as well as the co-working and other amenity spaces including gym. Each studio room is designed for dual occupancy potential (however it is likely that only a percentage will end up being used by couples or two persons sharing) and would contain an ensuite bathroom and a kitchenette.
- 9.32. The proposal includes 20 accessible units which are proposed as fully accessible for persons with disabilities.
- 9.33. There will be some inevitable level of mutual overlooking between the windows and balconies of the proposed buildings. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard.
- 9.34. In regard to access standards, lift access is provided alongside each building staircase. The plans indicate that the first floor garden spaces would have level access at first floor level from within the buildings (in addition to stairs from ground floor level).
- 9.35. The applicant's fire statement technical note states that the fire safety measures include 'a sprinkler system, smoke vented corridors, a high level of compartmentation, and a dry riser in each block, with full firefighting shaft in Block A'. The Health and Safety Executive (HSE) have no objection to the

design, which will be considered further under later regulatory stages outside of planning control.

Outdoor Amenity Space:

- 9.36. The proposal would provide a range of shared external amenity space, including a landscaped central courtyard, first floor roof terraces and rear garden, which in total provide approximately 9sqm external space per unit. The provision of outdoor amenity space appears acceptable given the communal nature of the accommodation.
- 9.37. The central external amenity space will slightly decrease in size as a result of the movement of Blocks A, C and D further into these spaces. However, this would not be considered to be significantly detrimental to the use of this space for future residents. The movement of Blocks C and D slightly west would increase the size of the podium gardens on the east side of the site, which is positive. Due to a reduction in co-living rooms in this application, overall it is understood that there would be an increase in the actual amount of communal external amenity per person.
- 9.38. The central courtyard appears to be considered to be successful in its design between the blocks and would provide future residents with legible access to all entrances, as well as emergency vehicular access. The proposed first floor level roof terrace to the north would provide amenity space away from the likely more travelled central courtyard. The proposed eastern podium spaces would also provide quieter shared amenity spaces for residents with more focused landscape uses including food growth and communal gardening.
- 9.39. It is understood that the building will be always staffed, and that passive surveillance will be present throughout the day due to the entrance lobby located within the undercroft. Sufficient lighting would also ensure a welcoming and safe entry sequence here, details of which are required by condition.
- 9.40. Private amenity space is provided to some studio rooms facing into the courtyard via private balconies. Many studio rooms do not benefit from balconies (only 21% would), as they face neighbouring sites which would otherwise result in harmful overlooking and loss of privacy. It is also recognised that there needs to be a balance between number of balconies in relation to internal daylight compliance. The balance of provision was considered acceptable in the previous application and is therefore considered acceptable here.

Daylight/Sunlight:

- 9.41. The ratio of north-facing studio rooms is low, however the majority of studios are single aspect which limits the amount of possible internal daylight and natural ventilation. The updated results of the sunlight/daylight assessment suggest that 64% would meet at least the living room 1.5% average daylight factor and overall a third of the proposed rooms would be below recommendations. Most of the studio rooms below the recommendations are located at first and second floor, which can be expected of high density, tall developments. The sunlight provision was deemed to be good.

- 9.42. The submitted sun path studies of the external areas of the proposal raise some concern that the proposed external amenity areas and balconies would be subject to some shading during mornings and afternoons in both summer and winter, with limited sunlight in winter. This would be expected given that the outdoors spaces east of the site are narrow and close to existing and proposed buildings. The BRE suggests that ground floor landscape amenity spaces results would meet BRE guidelines. Overall, daylight/sunlight to the outdoor areas are considered acceptable given the constraints of tall development surrounding.

Noise:

- 9.43. Planning policy seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment. A Noise Impact Assessment has been submitted to address potential disturbance from nearby sound sources. The Assessment concludes that noise would be a low risk factor in this instance as the site is set away from Lewes Road. Measures to ensure appropriate noise levels within units can be secured by condition.

Design and Appearance:

Context:

- 9.44. The site context is mixed in character. To the east is a neighbourhood characterised by small scale low rise late Victorian dwellings typical of development in the Hanover and Elm Grove ward extending up the side of the valley. The dwellings on Shanklin Road comprise part 2/3 storey terraced dwellings built into the slope facing directly onto the site with compact rear gardens. Opposite the north-east corner of the site is 29 Shanklin Road, a former dye works building was converted into 19 flats and studios in the late 1990's. The west flank of this building has its original windows facing directly onto the application site on the boundary itself. Some of these flats have a single aspect onto the current open car park of the site whilst others face north onto the cemetery or front Shanklin Road. Some corner units have both west and south-west facing windows on the splay.
- 9.45. To the north, the main constraint is the historic Woodvale Cemetery gardens featuring a large mature tree belt which overhangs the site. Viaduct Lofts, opposite the site on Melbourne Street is part 3, 4 and 7 storeys. Some of the flats face east to the site and have balconies. Viaduct Lofts was built in 2012 on the site of a former builder's yard having been allowed on appeal. The remainder of the character of Melbourne Street south of the site features small scale two storey Victorian terraced dwellings.
- 9.46. The south boundary of the site adjoins the playground of St Martin's Primary School but the school buildings are set back further to the south, accessed from Hartington Road. One other adjoining building to the south is Gladstone Court, a 4-storey late 20th century residential block of flats which has an east-west outlook.

Site Layout/Intensification of Use:

- 9.47. Historically the site was occupied by the railway viaduct on the line which served Kemp Town. The buildings on site are of no architectural or historic merit and

the demolition of existing has already been considered acceptable in principle. The existing Enterprise Point building is set significantly back from Melbourne Street, whereas the proposed layout would provide a street frontage building in this section of the street. This, however, would enable well orientated buildings and external spaces, including the creation of a south facing external courtyard. In the appeal decision, the Inspector noted that the significant setback of the building resulted in a poor relationship with the surrounding townscape.

- 9.48. The proposed development would increase the footprint of development significantly on site by developing close to the east and west site boundaries. The proposed layout would be a 4 to 6/7 storey block along the street frontage of Melbourne Street (Block A), a single storey block along the north of the site, a 6 storey block in the north-east corner, and 2 further blocks at 5 storeys along the east of the site (Blocks C and D).
- 9.49. The proposed general site layout has been shaped to generate improvements to the legible routes and the frontages, and has considered well the provisions of communal amenity spaces, legible frontage and public realm to Melbourne Street, and there has been good consideration for visual character with the adjoining approved development. Car parking access and spaces provided are well located to north of the site, and therefore separated from the pedestrian routes and amenity spaces in order to generate a more pedestrian and cycle friendly environment, which is welcomed.
- 9.50. The Inspector noted the set-back of Block A would visually blend with the Phase 1 development, and "the proposed public realm improvements would result in some landscaping and defined street frontage that would provide a more pleasant character and appearance than the existing car park on the site." There would be a separation distance of 16.7-18.6m between the western frontage of Block A and Viaducts Lofts on the opposite side of Melbourne Street, due to a further 2 metre set back of Block A in this application.
- 9.51. In terms of the intensification of the proposed use, the Inspector in the appeal decision (proposing 269 co-living units) stated as follows:
"The proposal would result in a significant number of a similar type of dwellings on the site. This would be likely to result in an increase of the number of comings and goings to the site and as such an increase of activity along Melbourne Street. This would be in keeping with the busy nature of Lewes Road which is a short distance away."
"In addition, activity on Melbourne Street increases at school drop off and collection times. Moreover, the existing building would be likely to generate a considerable amount of activity when in full occupation. Accordingly, given the mixed use nature of Melbourne Street, and its close proximity to Lewes Road, the proposed density and use of the proposal would not harm the character and appearance of the area."
- 9.52. On this basis, and as the current application reduces the co-living units to 221, it is considered the intensification of uses and large number of units proposed in the development would not represent an overdevelopment of the site.

Form/Scale/Massing:

- 9.53. The revised proposals in this application present a reduction in height for Blocks A by 1 storey on the northern part and 2 storeys on the southern part, and 1 storey each for blocks C and D. These reductions in height are a welcomed improvement on the previous approved application.
- 9.54. Due to the height of Block A, the scheme falls under the City Plan definition of 'tall buildings' in Policy CP12. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site.
- 9.55. The current mid 20th century Enterprise Point building has a large footprint centred in the middle of the site but it does provide a larger open area around 3 sides of the site which mitigates its height and impact on the urban form and its neighbours. The exception is the east side of the site where the building line is much closer to the east boundary.
- 9.56. In the appeal decision, The Inspector noted Viaduct Lofts is set fairly close to the back of the pavement, resulting in an enclosed character at this corner of Melbourne Street. Viaduct Lofts at 7 storeys maximum does step down in height along its north and east frontages to reflect the more domestic scale in the streetscene particularly on Melbourne Street and this also has the effect of reducing its bulk in townscape views.
- 9.57. The key views of the proposed development are predominantly short/mid-distance urban landscape views (both from public views and neighbouring residential vantagepoints) and the approach views of the site on Melbourne Street. These are from Melbourne Street itself in the approach from the south, and also the viewpoint starting from the Lewes Road junction and the approach towards the proposed Block A along Melbourne Street from the west.
- 9.58. In the appeal decision, the Inspector considered the proposed 6/8 storey Block A building would not be significantly taller than the taller part of Viaduct Lofts or Phase 1, and so it would not appear overbearing or unduly dominant in the views from the west. The proposal (now a reduced 6/7 storeys in this corner) would provide a new street frontage from this part of Melbourne Street, and the street-scene has been well considered in the context of what exists, as well as appropriate context with the approved 4-6 storey development at 19-24 Melbourne Street, which if built would reinforce the enclosed character of buildings on this part of the street.
- 9.59. The Inspector did raise concern regarding the views of the proposed development from the close-range view from the south, and stating "...the abrupt change in scale from the 6 storey proposed buildings to the school playground, adjacent 2 storey school buildings and 2 storey dwellings would appear discordant, resulting in an adverse effect on the character and appearance of the area."
- 9.60. However, in the planning balance, the Inspector gave significant weight to the proposed contribution of a substantial number of housing units, the shortfall of

housing supply as the Council are unable to demonstrate a five-year supply of housing, and the agreement of the affordable housing contribution where there is an acute need for affordable housing. The Inspector concluded that given the significant weight attributed to these benefits of the scheme, the adverse effects of harm to the character and appearance of the area "would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole".

- 9.61. The Inspector referenced the proposed (Block A) 6 storey façades facing the school and Viaduct Lofts which would diminish the spacious feel that is currently experienced along the road due to the set back of the existing building. However, in this current application, this would no longer be the case as Block A is now proposed to drop down in the position alongside the 3 and 4 storey parts of Viaduct Lofts. Block A is now proposed at 4 storeys to the South, where it directly faces Viaduct Lofts, which presents a more comfortable composition of the street scene. The Inspector also noted that the range of materials and the proposed arrangement of windows would break up the massing of the southern facades facing the school to an extent, as well as the proposed courtyard between the western and eastern blocks allowing views through to the north boundary belt of trees beyond.
- 9.62. The height and proximity of the proposed buildings in the development would create a somewhat enclosed feel to the street environment, however overall, it is considered the increased separation distances and reduction in heights of buildings would lessen the adverse impact set out in the previous appeal decision, and in any case any remaining adverse impact would not be so significant as to outweigh the benefits of scheme.
- 9.63. The other key views are of vantagepoints from within the private residential properties of Shanklin Road looking west. The 5 or 6 storey heights of Blocks B, C and D are sympathetic to heights of adjacent Shanklin Road properties, remaining below the roofline of these properties in elevation. In the previous appeal decision, the Inspector highlighted that Shanklin Road properties such as those opposite the proposed Blocks B and D currently do not face buildings in close proximity. However, the Inspector highlighted that the proposed blocks were broadly a similar height to the existing building, the ground level of Shanklin Road is significantly higher compared with Melbourne Street, and the proposed height of the buildings would result in parts of the sky being generally seen in views from Shanklin Road. Therefore, given this and the further 1 storey reductions in height of Blocks C and D, it is considered the proposal would not appear unduly bulky or dominant in these views.
- 9.64. The proposed single storey connecting part across the northern site boundary is considered successful in generating a defined edge to the courtyard, but also reducing the sense of enclosure and still enabling open views of the existing mature tree canopy from the courtyard.

Impact on nearby Heritage Assets:

- 9.65. To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery, with the conjoined Gothic chapels being grade II listed,

as well as some of the monuments within the site and the North Lodge in the entrance driveway (a short distance from Enterprise Point) also grade II listed. The Extra-Mural Cemetery is further to the north (which is a locally listed heritage asset).

- 9.66. Further to the west rising up the west side of the Lewes Road valley is the Round Hill Conservation Area which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed, including numbers 101-113 at the north-east end. The scale, height and proposed materials of the proposed development have been required to take account of the setting of the conservation area from within the Round Hill area and in longer views across the valley from east of the site.
- 9.67. The applicant has presented the perceived long-distance impact of the proposed development in submitted Photomontages and the Townscape & Visual Impact Assessment. Having regard to the Inspector comments in the appeal decision that the proposal would preserve the significance of the Roundhill Conservation Area and would enhance the setting of heritage assets to the north by replacing the existing building, it is considered that the current proposal reduced in height would have no significant impact on heritage assets and the longer-range townscape views.

Appearance, Detailing and Materials:

- 9.68. There is clear intent to achieve visual cohesion with the approved Phase 1 on Melbourne Street and this approach is strongly supported. This includes the use of arched ground / first floor apertures (reference to the historic viaduct) which would be slightly narrower in proportions to that of the approved Phase I which would provide some diversity within the elevations.
- 9.69. The primary material would be light brown brick (with secondary off-white/sand shades) in keeping with more recent development along the Lewes Road corridor, as well as the Phase I development on the western adjoining site. The elevations feature strong architectural features and a depth to the elevation featuring concrete banding, brass coloured window/door frames, and light bronze window panels, The metal clad top floors with a standing seam would contrast well with the brickwork on the floors below.
- 9.70. The proposed arched entrance to Block A fronting Melbourne Street is located strategically for long views and would generate a strong sense of arrival to the site. Windows into the North façade of Block A at ground floor are likely to improve passive surveillance over the undercroft.
- 9.71. Overall, the materiality proposed is considered acceptable and is seen to be complimentary to that which exists and the approved Phase I. Some of the visuals indicate public artwork to the entrance walls of Melbourne Street. A contribution will be secured towards public art, in accordance with policy.

Landscaping/Public Realm:

- 9.72. The character of Melbourne Street would be significantly improved by incorporating planting alongside more controlled parking arrangements, an overall improved pedestrian environment and improved surface materials. The movement of Block A by 2m to the east will increase the public realm along Melbourne Street, which is considered an improvement.
- 9.73. The landscape proposals within the main site area are considered to have developed successfully and include varied levels and locations which provide different character areas and potential functionality for future residents. The indicative planting palette appears diverse and appropriate to environmental conditions in each area, with a drainage strategy includes some SUDS features including blue / green roofs and rain gardens in strategic locations which will both attenuate and filter pollutants from surface water runoff.
- Impact on Trees:
- 9.74. No changes are proposed to that of the previous application.
- 9.75. The site currently comprises buildings and hard standing with little in the way of vegetation, and is therefore of relatively low ecological value. The main ecological significance is the impact on the belt of trees on a step bank to the north which create a significant backdrop to the site and grow over the site from the cemetery land forming part of Woodvale, Extra-mural & Downs Cemeteries LWS with extensive evergreen spindle, consisting mostly of elm and sycamore mature trees. Some of these trees overhang the car park of the existing site.
- 9.76. The proposed development would require the removal and pruning of some trees along the northern boundary and within the LWS. The submitted Arboricultural Impact Assessment and accompanying Tree Constraints and Protection Plans set out the following detailed proposals:
- removal/partial removal of 13 tree/tree groups (G67, T72, T76, T77, T80, T81, T94, T95, T96, T97, T102, T103)
 - pruning of 6 tree/tree groups (T73, T82, T83, T87, T90, G93)
 - all tree works to be completed before the development begins
 - arboricultural supervision during construction for T70, T73, T82, T87, T90, G93
 - retention (with no pruning) of 18 tree/tree groups
 - planting of 8 replacement trees (separate from those in the planting scheme)
- 9.77. The proposals have identified the existing trees to be removed (mostly rated Grade C, and also 3x Grade B, 3x Grade U, and no Grade A) which are growing and leaning over the site boundary, and would retain those trees which are the most important on the north boundary. There are no objections to the removal of other more low-quality specimens on the site.
- 9.78. There are concerns about potential impacts of the development on the existing canopy and root system of the northern tree belt. The Arboricultural Team have raised concern about the level of pruning set out in the submitted Arboricultural Impact Assessment and the impact on tree health. This is a similar situation to the trees proposed to be removed and/or pruned as approved under the development at the adjoining site immediately to the west (BH2019/01820). As

with the proposed tree works on this neighbouring site, this affects a tree belt that is visible from longer distances and trees form an important woodland landscaped avenue inside the historic setting of the crematorium entranceway, and so the amenity level here is high. However, it should also be considered that retaining all of the trees and/or replacing them on site would result in significant impact to site layout, design of development and quality of accommodation provided.

- 9.79. The impact on the individual trees would be harmful and replacement planting and maintenance would be required to mitigate the harm. Whilst the impact on the individually identified trees is regrettable it should be seen in the context of the whole tree belt, and which would be subject to a management scheme to the impacted parts. Any works to trees overhanging the site could be carefully managed under supervision and could be covered by a planning condition. The harm caused to the tree belt would need to be weighed up against the mitigation within the scheme and the overall benefits of the scheme in reaching a recommendation.

Ecology/Biodiversity:

- 9.80. The impact to existing habitats (including trees) and the proposed habitat creation / enhancement is broadly the same as proposed under the previous scheme.
- 9.81. The existing site buildings (including the one now demolished) has been assessed for bat roost potential and considered to have low levels of activity. The submitted Bat Survey Report recommends a precautionary approach to the demolition of Enterprise Point, and bat mitigation would be required within a Protected Species Method Statement (Biodiversity Method Statement) secured by condition. Artificial light can negatively impact on bats by causing disturbance, affecting feeding and increasing chances of being preyed upon. The County Ecologist has highlighted that the north of the site is dark at night, and so a sensitive lighting strategy to avoid light spill onto the LWS is required by condition. Some of the mature elms on the north boundary have the potential to support roosting bats, and following comment from the County Ecologist, the applicant has submitted a Preliminary Tree Roost Assessment, and the Ground Level Tree Assessment identified two trees as having moderate bat roosting potential. Further surveys of these trees are required prior to their removal. A Preliminary Roost Feature Inspection/emergence/re-entry surveys are required by condition to determine presence or absence of bats. A precautionary approach to the removal of the other trees with low roosting potential and associated mitigation measures should be detailed in the Biodiversity Method Statement required by condition.
- 9.82. The County Ecologist has also highlighted that the site and adjacent woodland/LWS have potential to support breeding birds. To avoid disturbance to any nesting birds, demolition or removal of scrub/trees that could have nests should be carried out outside the breeding season or a nesting bird check should be carried out prior to any demolition/clearance works. All bird mitigation should be set out within the Protected Species Method Statement required by condition.

This will also require mitigation for other species that may be supported in the adjacent woodland/LWS including dormice, badgers, hedgehog and slow worm.

- 9.83. Conditions are required to ensure protection of trees during construction and a sensitive lighting strategy to avoid light spill onto the LWS. A CEMP is also required by condition to provide mitigation in respect of noise, light and dust pollution during construction.
- 9.84. Policy DM37 states that development should seek to conserve and enhance biodiversity ensuring an additional measurable net gain in biodiversity is achieved, and should incorporate swift boxes and bee bricks where possible. The submitted Preliminary Ecological Appraisal recommends the use of bird/bat boxes installed on trees or incorporated into building design and landscape planting. Given the loss of 13 tree/tree groups that provide both potential current and future roosting habitat, the County Ecologist recommends general purpose bat boxes are installed. Details of proposals are required by condition as part of an Ecological Design Strategy. Swift bricks are also recommended and required by condition.
- 9.85. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.86. In terms of biodiversity net gain, the proposals includes new/replacement trees (12 trees according to the Sustainability Statement, but a greater number is shown on the submitted landscaping plans), various planting types, over external green landscape and gardens split in to 5 different zones, biosolar roofs between 5th-7th floors including green roofs providing chalk/flower rich grassland habitat. The aforementioned proposals for bird/bat boxes will also provide opportunities for further net gain. The landscape strategy proposed indicates that biodiversity net gains are likely to be achieved. Full confirmation for addressing enhancement of the site to provide biodiversity net gain is required as part of an Ecological Design Strategy required by condition.

Impact on Amenity:

- 9.87. From the design development, it is evident that the proposals have carefully considered how the tall buildings respond to their neighbours and mitigation measures such as redistribution of height to more appropriate areas of the site, increasing window distances, consideration of location of balconies and orientation of buildings are all welcome.
- 9.88. The amended Design and Access Statement document submitted provides comparison visuals comparing short views of the existing from key neighbouring locations, with proposed. These provide a better understanding of the impact of proposals and outlook on neighbouring context.

- 9.89. The site is relatively constrained on most sides due to the proximity of neighbouring properties, and so it is expected that there would be some impact arising with a tall building development on this site. It should be highlighted that a tall building already exists on the site, and if the site was used to its optimum capacity as existing, there would be a greater level of neighbouring impact than exists currently used. The constraints of the site, the improvements to the massing of Blocks A, C and D, and the benefits of the scheme in the site layout have been fully considered in the planning balance.
- 9.90. The applicants have carried out a revised daylight/sunlight assessment of neighbouring developments on the reduced height scheme, and this takes account of the impact on neighbouring residents in Shanklin Road, Viaduct Lofts and dwellings in Melbourne Street as well as Gladstone Court, Gladstone Place, Hartington Road and St Martins Primary School to the south. The assessment has been peer reviewed by the Building Research Establishment (BRE) for the Local Planning Authority.
- 9.91. In the appeal decision, the Inspector concluded that the proposal would harm the living conditions of neighbouring occupiers with regard to an overall moderate light impact to Viaduct Lofts and some other neighbouring properties, and moderate privacy impact when future occupiers would be stood at their windows with views towards Viaduct Lofts and Shanklin Road. However, as with the impact the character and appearance of the area, the adverse effects on the living conditions of neighbouring occupiers "would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole." Therefore, the overall adverse impact in this application is also not considered to outweigh the benefits of the scheme, and the adverse impacts have been somewhat reduced with the amendments to the height of the development, as presented in more detail below:

Shanklin Road:

- 9.92. The submitted revised visual sections across the site and the visuals from neighbouring property perspective are welcomed in order to provide further clarification of the impact of the proposed development, especially with regard to visually establishing the differences between the existing building and proposed east blocks. This is particularly helpful in clarifying further the land level change east-west through the site, with an 8m land level lower than the neighbouring gardens at Shanklin Road.
- 9.93. The existing Enterprise Point building is 6 storeys, and its upper floors currently dominate the outlook of most of the rear of dwellings in Shanklin Road opposite. Currently Nos 11, 13 and 15 do, however, enjoy an uninterrupted outlook from their rear windows between Enterprise Point and Gladstone Court whilst No.17 has a partially obscured outlook. West facing windows in No 29 Shanklin Road at the north end of the terrace currently have no obstructions affecting their outlook to the parking area whilst some units have south-west facing windows on the south west splay of the building which face the current building.
- 9.94. No.27 faces onto the current building but currently benefits from an indirect outlook to the north-west onto the car park aided by the splayed corner of No.29.

The proposed reduction in heights of Blocks C and D are sympathetic to heights of adjacent Shanklin Road properties, now further below the roofline of these properties in elevation. Blocks C & D would now be a further 0.5m and 1m respectively, west away from Shanklin Road.

- 9.95. It should be highlighted that the proposed design includes the ratio of glazing on the east elevation reduced from the existing Enterprise Point building, angled windows are proposed on the top two floors of Blocks C and D and top 4 floors of Block B, and no balconies proposed along the eastern facade directly facing Shanklin Road.
- 9.96. The flats at no. 29 Shanklin Road are located directly north-east of the site and has been converted from commercial use and so the windows appear large which would help rooms within retain daylight. Loss of sunlight would not be an issue here as the majority of the windows on the relevant façade face north of due west, and the southerly windows would not be significantly affected. The results of the submitted sunlight/daylight analysis indicate five ground floor windows (of the 43 analysed) would still be below the vertical sky component (VSC). The applicant (with agreement by BRE) has highlighted that no. 29 Shanklin Road has windows directly on the site boundary and so a loss of light could be expected. One ground floor room (previously two) would be below the daylight distribution guideline, and the BRE consider this as a minor impact.
- 9.97. In the previous application, the most impacted properties on Shanklin Road in terms of daylight were nos. 11, 13 and 15 due to the proximity of Block D built between the current gap between the existing Enterprise Point building and Gladstone Court to the south. The BRE review indicated a minor impact to daylight these properties, whereas in this application it is assessed as negligible. Loss of sunlight is not considered a significant factor here. Loss of sunlight to gardens at 7-27 Shanklin Road would be assessed as negligible. Overall it is considered there would be significant improvements to the adverse impacts on these properties.

Viaduct Lofts and Melbourne Street:

- 9.98. Viaduct Lofts is to the west of the development site on the opposite side of Melbourne Street and includes a three storey element to the south and a seven storey block of flats to the north. East facing windows in Viaduct Lofts would be affected by the proposed development due to the proposed development being opposite the 7-storey element of the building. However, Block A would now drop down to 6 storeys at its nearest point opposite the tallest and most impacted part of Viaduct Lofts. As previously outlined, there is also now a greater distance proposed between these buildings. The appellant's Sun Path Analysis indicates a greater summer overshadowing coverage, in comparison with the existing site, towards east and north-east elevations of Viaduct Lofts in the morning as the sun rises.
- 9.99. The applicant daylight/sunlight assessment on the revised scheme suggests 13 windows of Viaduct Lofts would be below the VSC guidelines (previously 30) and 10 rooms below the daylight distribution guideline (previously 15). Two living rooms (leading out to balconies) would be below both the annual and winter

sunlight guidelines. The overall results are therefore improved compared to the previous approved scheme but still with areas below the BRE guidelines.

- 9.100. The impact here has to be viewed within the context of the constraints of the site and its context. Viaduct Lofts is a tall development itself and with windows located right up against the pavement, and although this is different to the situation with 29 Shanklin Road (as there is a road in between sites), the nature of the height and proximity of Viaduct Lofts to the street frontage, along with rooms with in some cases deep single aspect rooms and provision of balconies, means that frontage development of any reasonable height would have some significant impact on the sunlight/daylight of Viaduct Lofts. It should also be acknowledged that the development site is allocated for redevelopment, and if the site was to not include a Melbourne Street frontage building, then this would have a detrimental impact to the site layout of development with negative impact on quality of accommodation, density of development that may impact on viability of redevelopment, or other site boundary/neighbouring impact elsewhere.
- 9.101. The submission now sets out where proposed windows in Block A will directly face Viaduct Lofts and how visual/overlooking impact on neighbouring amenity will be mitigated through assumed different floor levels and obscured glazing. This provides some clarity on the impact of overlooking of Viaduct Lofts, separately to the additional 2m set back and height reduction, which will overall improve the impact here.
- 9.102. The site is located on a narrow street and it is recognised that in a historic street within a higher density urban grain, privacy expectations are lowered and achieving greater separating distances is not practical. In terms of privacy and overlooking, the relationship of facing dwellings will not be dissimilar to those on the same street around the corner to the south where the terraced houses in Melbourne Street face each other. It is considered that the separation distances are not dissimilar to the surrounding area given the sites urban context, and in some case better than the distance between Viaduct Lofts and the approved 'Phase I' development.
- 9.103. Previously it was considered that No 10 Melbourne Street to the south (separated from the development site by the school playground with its side elevation facing north with no windows) would suffer a minor impact to daylight and at other properties on the street the guidelines would be met. In this scheme (with the reduced scale of Block A) the loss of daylight and sunlight has been assessed as negligible.

St Martins Primary School and Gladstone Court:

- 9.104. The existing Enterprise Point building is a commercial building which has large windows which overlook the school at present, with opportunity for employees' views of the school grounds so it is not considered the development would significantly worsen this situation. The school buildings are set well back from its north boundary and given the current height of buildings on the application site and relationship to the boundary, daylight issues would be very limited by the

site's redevelopment. The sunlight/daylight impact was previously assessed as minor and would now be negligible.

- 9.105. Gladstone Court is directly to the south of the eastern portion of the development site. It is orientated east-west with only minor windows on its north end thus it was anticipated that significant daylight issues would not arise from the redevelopment of this site. The daylight impact was considered to be minor to one window (previously 3) significantly affected, with loss of sunlight not considered an issue as the development is to the north.

Gladstone Place and Hartington Road:

- 9.106. As before, the daylight assessment indicates that properties analysed at Hartington Road further to the south would meet the BRE guidelines with a negligible impact, and loss of sunlight not an issue with the development to the north.

- 9.107. Gladstone Place is located to the north, with nos. 10 to 26 (evens) previously analysed suggesting a minor daylight impact was deemed likely. The results suggest 12 (previously 14) rooms overall (to nos. 10-20 evens) would be below the daylight distribution guideline, and would therefore remain a minor adverse impact. Loss of sunlight at the rear of Gladstone Place properties would meet the BRE guidelines.

Noise Impact:

- 9.108. The applicant has submitted an operational Management Plan which covers a wide range of issues including onsite management and staffing, moving in and out arrangements, cleaning and servicing, maintenance and repair, security and fire safety, the operation of the communal facilities co-working space and gym, and wider community liaison.

- 9.109. The co-living rented units would be managed on site so that amenity issues could be addressed immediately under a management plan with sanctions for anti-social behaviour. Thus, more noise control would be possible in the proposed development than from any other buildings nearby, and in a similar situation to that of the approved 'Phase I' development. Concerns about potential noise issues have been raised, and it is considered that the management of amenity areas would be controlled by condition. The provision of formal loading facilities would also improve the congestion and unauthorised parking in the street which can sometimes be a catalyst for noise and disturbance. During construction, a CEMP provided by condition can ensure there is no undue noise or disturbance, or traffic disruption. A finalised management plan would need to be secured through planning condition.

Sustainable Transport:

- 9.110. Melbourne Street is characterised by being a narrow one-way street in a horseshoe shape with an entrance and exit onto the A270 Lewes Road which forms part of the local strategic road network. Melbourne Street provides direct access to the existing Enterprise Point site and other residential and commercial uses and St Martin's Church of England School. The road is in a Controlled Parking Zone with a mix of double yellow lines, resident permit and short stay

pay and display parking. The site is located near to Lewes Road which is a key transport route into the city and benefits from ample bus services with a bus stop at the end of Melbourne Street, and direct access into the city centre, and train services. The site falls within an area where parking restrictions are in place. The existing site includes a car park, and suffers from poor pedestrian environment particularly around the northern section of Melbourne Street.

9.111. A Construction Environmental Management Plan (CEMP)/Demolition Environmental Management Plan (DEMP) is recommended to be conditioned. This would seek to address concerns about safety, amenity, noise and traffic during construction.

9.112. At appeal, the Inspector stated the following:
"I acknowledge local concerns including regarding traffic and associated noise and air quality. The Transport Statement submitted with the appeal compares the trip generation associated with the proposed co-living use, with the existing office use. It concludes that the proposed development would result in fewer vehicular trips than in the existing situation and would increase the use of more sustainable transport modes. Therefore, it has not been demonstrated that the proposal would result in adverse effects on this respect."

9.113. There are no significant changes to the transport proposals, which are considered in detail below:

Site Access:

9.114. The proposed development has a pedestrian- and cycle-only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space. The proposal includes the widening of the eastern footway on Melbourne Street to provide space for an inset loading bay. The development proposes an undercroft car park with a new access into the car park provided from Melbourne Street. The Local Highway Authority (LHA) has previously accepted swept path analysis provided by the applicant.

Servicing/Deliveries:

9.115. The applicant proposes to widen the footway on Melbourne Street and provide an inset loading bay which would accommodate delivery trips generated by the proposed development and refuse/recycling collections. Access management measures including communal post rooms provided at the entrance lobbies are in proposed to consolidate delivery trips where possible. A Delivery and Servicing Management Plan (to manage and monitor deliveries generated by the co-living and co-working uses effectively and efficiently) and details of inset loading bay, as well as proposed Melbourne Street improvements, are required by condition/s106.

Vehicle Parking

9.116. The applicant proposes that residents shall not be permitted to apply for permits or visitor permits, and the terms of the tenancy will prohibit this, with residents to advise visitors of the car-free nature of the site and encourage alternative modes of travel. However, the terms of the tenancy cannot be controlled under the

planning application, and so the site still has the potential to result in overspill parking onto surrounding residential roads. The site is located in a Controlled Parking Zone (Zone V) which will mean demand for parking is already managed, and double yellow lines restricting parking on surrounding streets. The site is also in a sustainable location and as such occupiers would not be solely reliant on car travel to meet their day-to-day needs. If necessary, parking permits for residents of this development could be restricted through processes separate to planning. As the issuing of permits is beyond the remit of the Local Planning Authority, the informative advising the applicant that the Local Highway Authority may restrict permits to residents is attached.

- 9.117. Further, measures in the Travel Plan including the use of the car club cars and bays to be secured by condition would also further increase travel by sustainable modes. The Bikeshare hub with 10 bicycles would be secured through S106 agreement.
- 9.118. The site is located within a Controlled Parking Zone and this proposed development is intended to be car-free. However, there would still be the potential for visitors to the development to create demand for nearby on-street parking and residential parking bays. The submitted parking surveys show there is limited but enough spare capacity locally to accommodate the demand from the residential visitors.
- 9.119. The very nature of the co-living and co-working concept reduces the need to travel and is more sustainable than a typical flatted development. Amenities proposed within the scheme such as gym and laundry areas would further reduce the need to travel outside of the development which would assist in creating and maintaining a sustainable neighbourhood in accordance with Policy SA6 'Sustainable Neighbourhoods' of the City Plan Part One. More so, the site is also located within a very short walking distance from a range of established local facilities and services on the Lewes Road. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 9.120. A total of 15 parking spaces are proposed at ground floor level comprising 8 no. disabled parking bays, 4 no. electric car club bays and 3 no. allocated parking bays (which are subject to legal covenant and retained for existing use). The parking provision and layout is considered acceptable.
- 9.121. SPD14 advises that at least 10% of the car parking provision should have electric charging facilities, whilst at least a further 10% should have 'passive provision' allowing for their easy future conversion. Four car club bays (with electric cars) and active electric vehicle charging provision (EVCP) for all four are proposed for the proposed development. Provisions for electric charging provision for scooters/e-bikes are required by condition.

Cycle Parking:

- 9.122. The proposals do not incorporate a segregated cycle lane within the site, however the site layout provides an improved pedestrian and cyclist friendly environment to that of earlier applications and pre-application versions. The

proposed cycle storage would be at ground level and easily accessed via the central courtyard, which would prioritise and promote active travel.

- 9.123. There are two cycle stores proposed at ground level within the application site: one at the south-eastern corner of the site, accessed from the courtyard and one at the north-eastern corner of the site access from the car park. The applicant proposes a total of 280 cycle parking spaces, mostly of which are proposed to be provided within the onsite communal cycle parking store. Also proposed are an additional 24 additional short-term spaces within the ground floor external area for visitors and co-workers, using Sheffield Stands. Whilst the proposal exceeds the policy compliant cycle parking quantum, the quality of cycle parking type is not considered fully accessible for all (over reliance on two-tier stands), and therefore further details of design are required by condition to ensure appropriate level of provision of Sheffield stands for larger bicycles (recumbent bicycles and cargo bikes).
- 9.124. Provision (10 spaces/bikes) of short-stay cycle parking provision could be provided in the form of a Bike Share docking station and the remaining could be delivered in the form of Sheffield stands (i.e. 5 in the on-site public realm). Further details are required by condition/s106. Electric charging and parking provision for bicycles (of different sizes), scooters and electric bikes is also required by condition.

Trip Generation:

- 9.125. The applicant provided multimodal trip generation information within the submitted Transport Statement and takes into account the reduction in co-living units proposed in this application. The existing trip generation sets out that the existing site when operational the site generated 109 trips, 85 trips and 884 trips in the morning, evening and across the day respectively. Further to additional information provided, the net change trip generation suggests the proposed development would result in 50 and 31 additional trips in the AM and PM peak hours respectively, with the majority of these trips expected to be on foot, train or bus. The Local Highway Authority expects that some of these trips would be by car (given the Blue Badge and Car Club spaces proposed), however as the on-site parking provision is low, the number of trips is expected to be negligible. The forecast increase in trips during the AM and PM peak hours is expected to have a non-material impact. Furthermore, the applicant has clarified that the trip generation is expected to be less for the proposed development, given that there is expected to be internalised trips between the proposed co-living/coworking uses.

Sustainability:

- 9.126. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The applicant has submitted a Sustainability and Energy report and there are no changes to the sustainability proposals.
- 9.127. The proposals include a considerable solar PV array on the roofs of all proposed blocks, and air-sourced heat pumps for heating and hot water. Building

Management Systems are to be incorporated to monitor energy and water usage, with facilities in place to encourage residents and workers to reduce their energy and water consumption. It is noted that there is a low ratio of north-facing studio rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced. The buildings would be insulated with optimised glazing/wall ratio (balancing between daylight and heat loss), and insulation is proposed on the outside of structural elements, which is supported.

- 9.128. Water standards shall be secured by condition to addresses policy CP8 requirements. A further condition is proposed to secure a BREEAM rating for the non-residential element of the scheme.

Other Considerations:

Air Quality:

- 9.129. The site is not located in an Air Quality Management Area (AQMA), however the AQMA is located nearby to the west on Melbourne Street and along Lewes Road. The submitted Air Quality Assessment states that a detailed assessment on operational impacts is not required on the basis vehicle trips generated by the proposed development will be low, and the proposal will result in a reduction of vehicle trips on the network (when compared with the existing office site), as set out in the trip generation of the submitted Transport Assessment. The proposed development is proposed to be 'car-free', with the exception of Blue Badge parking and car club cars, so it is expected that vehicular traffic trips generated by this development is to be relatively low. The proposed development is therefore considered not to add sufficient traffic to warrant a detailed air quality assessment. On the grounds of air quality there is no objection to the proposals.

Archaeology:

- 9.130. The applicant has submitted a desk-base archaeological assessment that indicates that given the historical construction on the site, the potential of the site to contain in-situ below ground archaeological is low. The County Archaeologist broadly agrees with the assessment, however, has highlighted that the assessment also identifies some potential for deposits of at least local significance to be exposed/disturbed. Therefore, it is recommended that the proposed construction works be subject to a programme of archaeological works which would be secured by condition.

Sustainable Drainage/Flood risk:

- 9.131. The submission sets out an outline SUDs strategy that has the potential to be well integrated with the landscape proposals, including green and blue roofs and rain gardens. The intention to integrate the drainage strategy with the landscape proposals are a welcome part of a landscape-led approach. Full details of the surface water drainage strategy are required to ensure SUDS features are key components.
- 9.132. The site is understood to be situated immediately adjacent to surface water flow paths along Melbourne Street, and parts of the site itself are at low risk of surface water flooding. The Council Flood Risk Officer has stated that the site is not considered at significant risk from any other sources of flooding. Recommended

conditions can adequately deal with any future flood risks in accordance with development plan policies. The applicant should obtain approval from Southern Water for connection and discharge to the foul water network.

Land Contamination:

- 9.133. The previous use of the site, as former railway land and adjacent to a number of former industrial activities, is deemed by the Environment Agency to present a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system.
- 9.134. The applicant has submitted a desk study detailing the historic uses and a preliminary site conceptual model regarding the risk from contamination at the site. The desk study recommends a detailed geoenvironmental site investigation. The Council Environmental Health Team recommend a condition for site investigation, a method statement for risk/remediation and unforeseen contamination and a verification report. Asbestos Containing Materials (ACM) within the building are considered to be a contaminant of concern, and a condition is required to ensure all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.
- 9.135. The Environment Agency have recommended conditions for a remediation strategy, verification report and further monitoring to be submitted to ensure the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution. A condition restricting piling and investigation boreholes using penetrative methods only with consent is also recommended.

Waste Management:

- 9.136. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. The principle of the redevelopment of the site has been established in the grant of the previous planning permission on appeal, and the integration of the site with that approved at 16-24 Melbourne Street would provide a comprehensive redevelopment of this allocation site. Planning permission has already been granted for a co-living development on an adjacent site at 19-24 Melbourne Street. The proposed development of the site would contribute towards the

employment floorspace target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3.

- 10.3. The development would equate to 123 standard dwellings which would contribute towards the housing target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3. The proposed co-living rooms have reduced from 269 to 221 in this revised application. As well as private studio rooms, future residents would have access to communal cooking and lounge facilities, coworking space, gym, outdoor amenity spaces, and other facilities including those within the wider development under other phases. The proposed co-living scheme would provide a different form of housing for the city and the proposed scheme would increase the variety of accommodation available citywide.
- 10.4. It is considered that the proposal would make an acceptable contribution towards the provision of flexible rented accommodation in the city and that in this instance the commuted sum for affordable housing secured would weigh in favour of the scheme. The proposal is supported by the Council Housing Strategy team conditional on securing the affordable housing contribution by s106.
- 10.5. The scale of development would be less than the previous application BH2022/01490 which the appeal inspector considered acceptable when weighing its benefits against adverse impacts. The distance between Block A and Viaduct Lofts on the previous application was the closest relationship proposed to neighbouring buildings. The movement of Block A 2m to the east increases the distance between proposals and Viaduct Lofts which is welcomed. Combined with reducing the height of the southern end of Block A, these amendments further improve the relationship here both from an amenity perspective, as well as opportunity to improve the townscape context.
- 10.6. The site is well-located near to day-to-day amenities and regular public transport into Brighton city centre. The proposals for a low-car scheme is supported by its site location. The proposed development would provide a Travel Plan which will offer a number of measures to reduce reliance on the private car. From a sustainability perspective, a car free development has been welcomed.
- 10.7. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 10.8. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

11. COMMUNITY INFRASTRUCTURE LEVY

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

began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

- 12.1. The proposal includes accessible units being accessible for persons with disabilities. The co-working space is all located at ground floor level. A total of 8 no. disabled parking spaces are proposed at ground floor level. The applicant proposes a pedestrian and cycle only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space.

13. S106 AGREEMENT

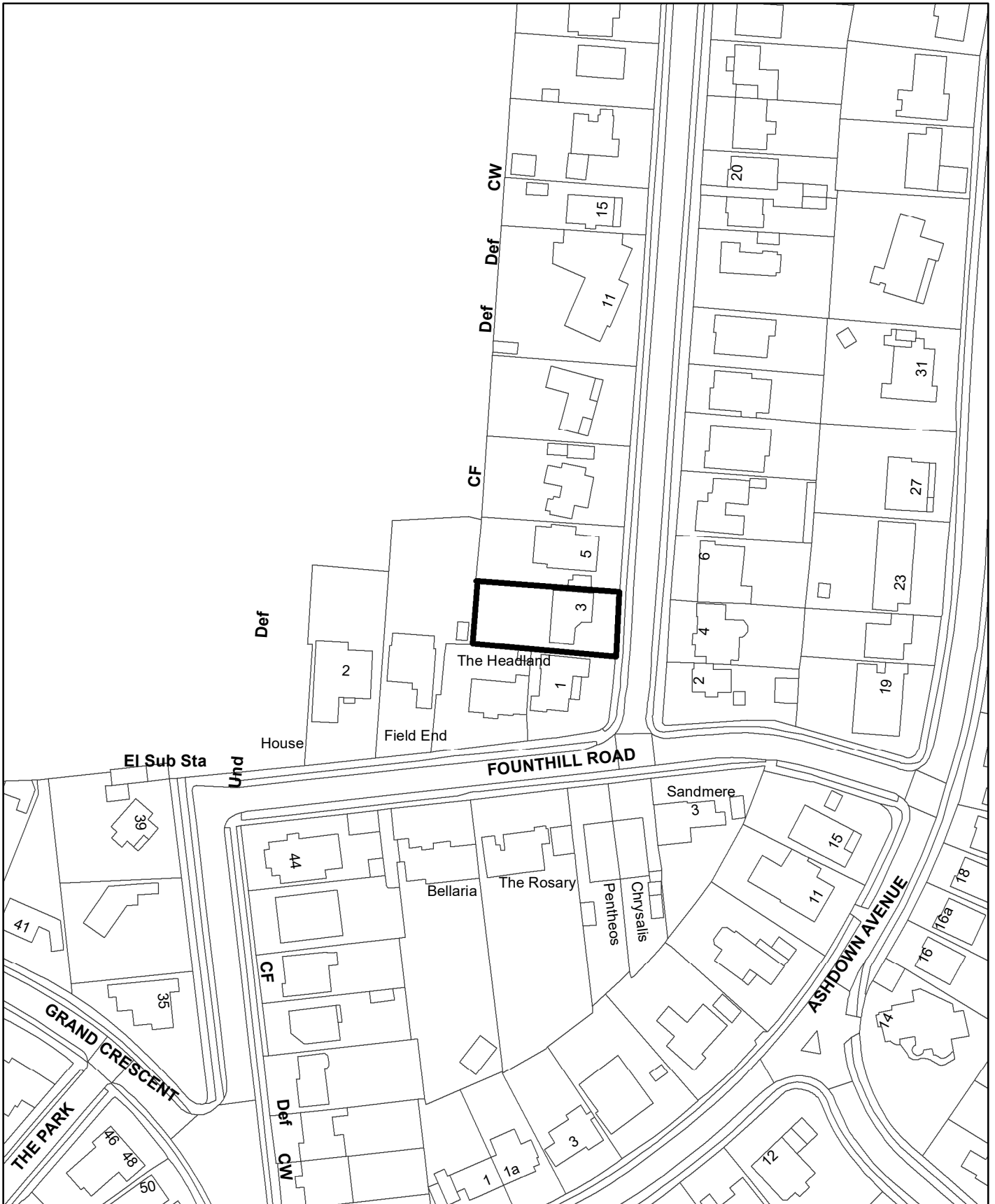
- 13.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
 5. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

ITEM D

**3 Westmeston Avenue
BH2024/00477
Full Planning**

DATE OF COMMITTEE: 8th May 2024

BH2024 00477 - 3 Westmeston Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2024/00477	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Westmeston Avenue Saltdean Brighton BN2 8AL		
<u>Proposal:</u>	Demolition of existing dwelling and erection of two storey replacement dwelling (C3) (part retrospective).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	05.03.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	30.04.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	EN Architects 171A Church Road Brighton BN3 2AB		
Applicant:	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.

Plan Type	Reference	Version	Date Received
Location and block plan	002	C	21 February 2024
Proposed Drawing	160	G	21 February 2024
Proposed Drawing	150	H	21 February 2024
Proposed Drawing	170	C	21 February 2024
Proposed Drawing	006	B	21 February 2024
Proposed Drawing	161	E	21 February 2024

2. 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.

3. 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.

4. 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.

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

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

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

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

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

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;

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

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

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

9. Notwithstanding the proposal hereby permitted, 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 recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM21 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

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

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

Informatives:

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

2. The applicant is advised that the application of translucent film to clear glazed panels does not satisfy the requirements of condition 2
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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
6. 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'.
7. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: www.hse.gov.uk/asbestos.
8. The applicant 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.
9. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
10. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
11. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
12. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a

sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water.

The applicant is also advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk.

13. The water efficiency standard required 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.

2. SITE LOCATION

- 2.1. The application is part retrospective and relates to a pre-existing detached bungalow located on the western side of Westmeston Avenue in Saltdean, which has now been fully demolished, and works have commenced in respect of the proposed new dwelling. The pre existing bungalow was an L-shaped property with a hipped roof, and a modest flat-roofed extension on the northern side elevation creating a bedroom at the rear and garage to the front. It had an existing 'loft bedroom' created through a large dormer on the rear roof slope. Off street parking was provided with a concrete front driveway. It was 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

- 3.1. BH2023/02672 - Roof alterations and extension including raising the roof ridge height, erection of single storey front extension and two-storey rear extension. Widening of existing vehicle crossover. Approved at Planning Committee on 7 February 2024

7 Westmeston Avenue

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

29 Westmeston Avenue

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

4. APPLICATION DESCRIPTION

- 4.1. As set out above the application is part retrospective as the former dwelling, which was on the site, has already been demolished and works have commenced in respect of building the proposed replacement dwelling.
- 4.2. The application seeks permission for the demolition of the former dwelling and erection of a two storey replacement dwelling (C3)
- 4.3. A previous, very similar application was approved at Planning Committee in February 2024 (ref. BH2023/02672) allowing the alteration and re-modelling of the pre-existing bungalow with a final form of development that is very close in appearance to that forming the current application. The agent advises the reason for the current application is that upon commencing works on site it was determined that the existing bungalow structure required complete demolition which was subsequently undertaken.
- 4.4. The plans submitted indicate that the changes from the previously approved application relate to amended windows and rooflights, with a change from the approved aluminium windows and doors to uPVC.
- 4.5. The approved application BH2023/02672 is still extant and was very recently approved so forms a material consideration in the determination of this application which is given significant weight. The principle of an almost identical form of development has already been found acceptable, albeit it can no longer be implemented as the bungalow has been removed.

5. REPRESENTATIONS

- 5.1. **Seven (7)** comments (including repeat comments) have been received from six (6) different interested parties objecting to the proposed development on the following grounds:
- Noise
 - Overdevelopment – too close to boundary

- Height
- Overshadowing / loss of daylight
- Not built as per the approved plans – disregard for planning rules
- Bungalow demolished
- Foundations deeper, but height the same
- Not a modular build
- Have not complied with enforcement notice – have continued to work
- Damage to fences from works
- Light survey incorrect as not being built in accordance with approved plans
- No party wall agreement in place before works commenced
- Different materials are being used from those approved
- Application form states no changes to existing hedges and trees, this is incorrect and leads to a loss of amenity
- No demolition notice served
- Concern re boundary walls and overlooking
- Damage to the highway from works

5.2. **Two (2)** comments (including repeat comments) have been received from two (2) different interested parties supporting the proposed development on the following grounds:

- Good design
- The rear windows would not increase overlooking
- No landscaping was required as part of the previous application
- Builders are polite and clean
- Broken pavement slabs would be replaced
- Build is not modular
- There is no visual difference between brick slips and bricks
- The applicant has carried out significant consultation with neighbours
- Applicant is being treated unfairly by neighbours

6. CONSULTATIONS

- 6.1. **County Archaeology:** Comment - previous application BH2023/02672
Based on available evidence, we do not believe that any significant archaeological remains are likely to be affected by this proposal.
- 6.2. **Brighton & Hove Archaeological Society:** Comment
Suggest County Archaeologist contacted for comment, due to finds in the area.
- 6.3. **Sustainable Transport:** Verbal Comment
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.
- 6.4. 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.

6.5. The proposed development is likely to increase the number of trips to the location however, those are unlikely to generate significant reason for objection.

6.6. **Southern Water: Comment**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.7. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
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DM3	Residential conversions and the retention of smaller dwellings
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
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

SPD06	Trees & Development Sites
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 principle of development, the design and appearance of the proposal and the impact upon residential amenity.

Principle of development

- 9.2. As noted previously, the principle of the provision of a modernised house on this site has already been agreed through the grant of the previous permission (ref. BH2023/02672) with the present application resulting in only minor visible differences. In principle, therefore, the scheme has been found acceptable.

Design and Appearance:

- 9.3. As already noted, the bungalow that was on the site has been demolished which was not part of the previously-approved scheme which sought to alter and extend it. Although representative of current forms of development in the area, it was of no significant architectural merit and subject to a suitable replacement dwelling the loss is considered acceptable.
- 9.4. As was previously the case with the approved scheme, the proposed dwelling would be two storeys in height with a substantial dual gable ended roof scape and would have significant amounts of glazing to the front and rear with Juliette style balconies to the first floor front. It would have red brick on the ground floor and black timber cladding with Cedral fins at first floor. It would have brown tiles on the pitched roof areas and unlike the previous scheme, black uPVC (rather than aluminium) windows and doors, overall creating a contemporary appearance. It would follow the stepping-down of dwellings from north to south along this part of Westmeston Avenue, but with an increased ridge height of 0.98m more than the pre-existing bungalow.

- 9.5. The proposed dwelling would result in a substantial increase in the size, bulk and massing over the pre-existing property, and would have a much more modern design which would be visible in views along Westmeston Avenue but this has been accepted in the grant of the previous permission so it would be unreasonable to resist the present scheme on this basis.
- 9.6. The design and appearance of the new dwelling is considered to be acceptable and would not significantly harm the streetscene or appearance of the wider area, in accordance with policy DM18 of the Brighton and Hove City Plan Part 2 and SPD12 guidance.

Standard of accommodation

- 9.7. 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 space standards have now been formally adopted into the Brighton and Hove City Plan, within Policy DM1 of City Plan Part Two.
- 9.8. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.9. There is no change to the standard of accommodation provided over that in the previously-approved scheme which was acceptable in terms of sufficient space being provided for future occupants, both inside and in external amenity space.
- 9.10. The new dwelling would be subject to a condition requiring that it is built in accordance with the Building Regulations Requirement M4(2) in the interest of equal accessibility.
- 9.11. It is therefore considered that the proposed dwelling would meet the needs of future occupiers and would be in compliance with Policies DM1, DM18 and DM20 of the City Plan Part Two.
- 9.12. On this basis the standard of accommodation for future residents is considered acceptable.

Impact on Residential Amenity:

- 9.13. A site visit has been carried out, which included internal and external access to the application property before it was demolished, and No.1 Westmeston Avenue to the south.
- 9.14. Crucially, there would be no change to the impact on neighbouring residents over that of the previously-approved scheme.
- 9.15. As previously, there would be some increased impact on the neighbouring properties, over the pre-existing bungalow with the height and bulk of the proposed dwelling increasing the enclosure and overshadowing of No.1 Westmeston Avenue. However, the footprint of the development would not extend past the rear of this property, it would be set back from the boundary with

a pitched roof form sloping away, and the majority of work being alongside the side elevations of the respective properties so the level of harm is not considered significant. There would be some loss of sky views and daylight from the northern kitchen windows, 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.

- 9.16. The proposed development 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, which is higher than the pre-existing bungalow extension. However, 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.
- 9.17. 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 remain at an acceptable level to No.1 and No.5 Westmeston Avenue.
- 9.18. The development would result in an increase of overlooking from the rear first floor but is considered limited due to the size and design of the proposed bedroom windows, with the Cedral fins providing further oblique screening to the south west. The amount of rear first floor clear glazing is now comparable to the pre-existing bungalow situation (albeit located south of the pre-existing dormer position). The other 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 light to the side elevation would be high level and 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.
- 9.19. It is therefore considered, with proposed conditions, that the proposed dwelling and works would not cause significant harm to amenity, in accordance with Policy DM20 of City Plan Part Two.

Landscaping

- 9.20. The proposed dwelling would have a revised front and rear garden with new terraced areas and planting, but no significant detail has been provided. It is considered reasonable and relevant for a condition to be attached requiring a landscaping plan to be submitted to approved by the LPA to ensure that the proposed planting and design is appropriate and of a sufficient quality for the new dwelling, with any potential improvements for biodiversity.

Other Matters

- 9.21. Objections have been raised in respect of the complete demolition of the property and commencement of development works onsite. These are noted and the Planning Enforcement Officers have been on site and advised the applicant that they are commencing works without planning permission and at their own risk. The fact that the works have already commenced, and the current application is partly retrospective, does not alter any of the determining factors in the current application or weigh negatively or positively against it. The applicant has the right to apply for retrospective planning permission.
- 9.22. Objectors have stated that the works have continued even though they have been told to stop by Enforcement Officers. This is not correct - no stop or cease notice has been served.
- 9.23. Objectors have stated that the building is not being developed in accordance with the approved plans (in reference to BH2023/02672). Enforcement Officers have visited the site and taken measurements and state that it appears to be built in accordance with plans approved under BH2023/02672, with the exception of the bungalow having been demolished which the present application seeks to rectify.
- 9.24. 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 data and mapping and proposed drawings have been used to inform the report.

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. The proposed development would provide level access to the front entrance, improving accessibility for those with mobility or visual impairments. A condition would be attached to ensure that it meets Building Regulations Requirement M4(2) in the interest of equal accessibility as it appears this could be accommodated within the available layout.

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

pair of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

- 11.2. The proposed solar panels to the southern roof slope would lessen reliance on unsustainable forms of energy production and are welcomed.

12. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

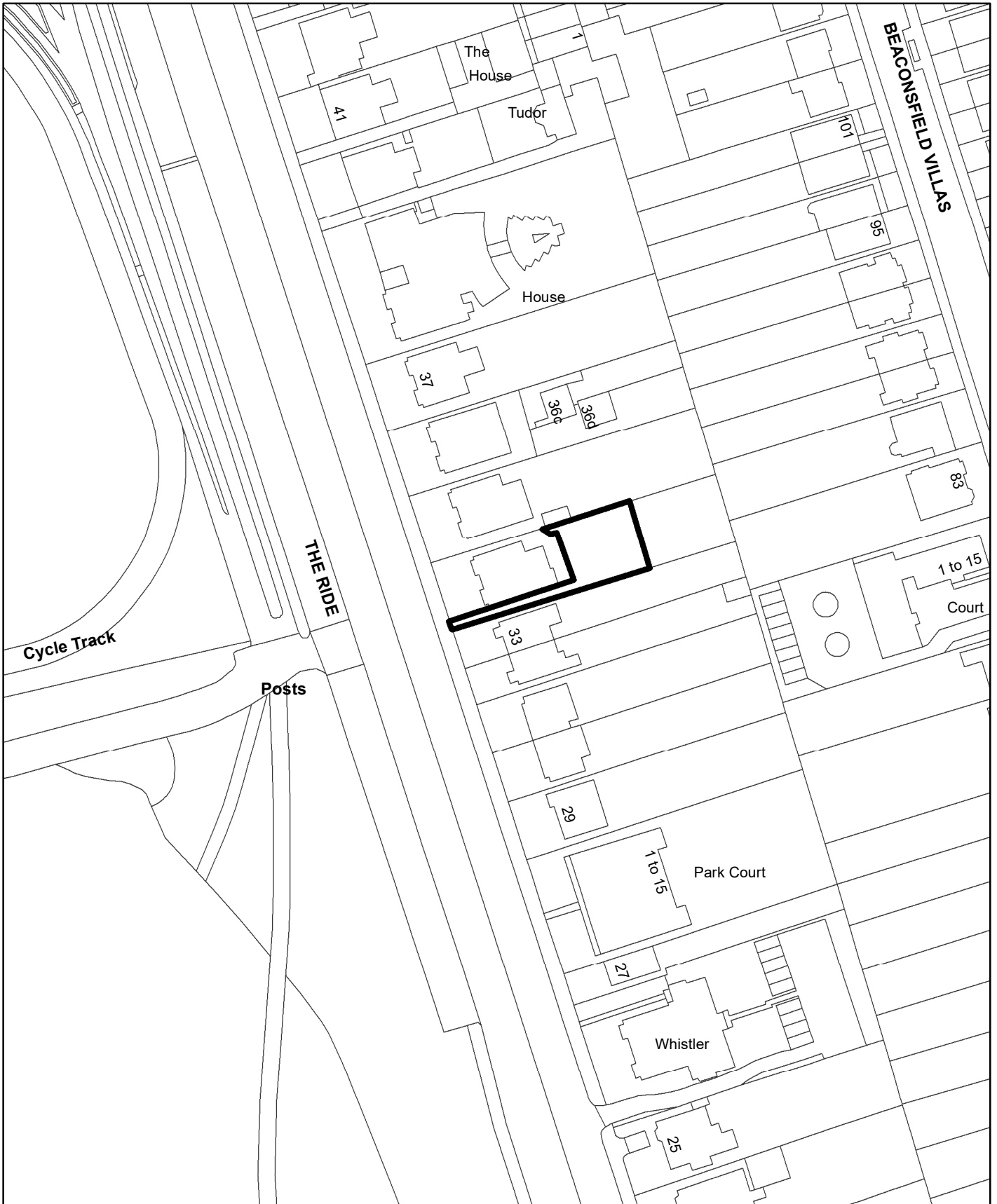
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020.
- 12.2. The development is considered liable for CIL on the whole of the new residential floorspace created, as the self-build exemption cannot be utilised as works have commenced without permission, and the existing dwelling (residential floorspace) has been demolished and ceased to exist. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

ITEM E

**West House, 34B Preston Park Avenue
BH2024/00077**

DATE OF COMMITTEE: 8th May 2024

BH2024 00077 - West House, 34B Preston Park Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2024/00077	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	West House 34B Preston Park Avenue Brighton BN1 6HG		
<u>Proposal:</u>	Erection of first floor extension stepped back from building boundary and the installation of PV solar panels to roof.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	16.01.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	12.03.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.05.2024
Agent:			
Applicant:	Mr Rory Aitkenhead 34 B Preston Park Avenue Brighton BN16HG		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	001	B	10 January 2024
Proposed Drawing	015	C	5 March 2024
Proposed Drawing	016	C	5 March 2024
Proposed Drawing	017	C	5 March 2024
Proposed Drawing	018	C	5 March 2024
Proposed Drawing	019	C	5 March 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 external finishes of the development hereby permitted, other than the proposal PV panels, shall match in material, colour, style, bonding and texture those of the existing building.

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

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

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

5. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against persecution under these Regulations or this Act.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September 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.

6. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

2. SITE LOCATION

- 2.1. The application relates to one of two recently-constructed dwellinghouses located in the former rear garden of no. 34 Preston Park Avenue. It is understood that both of the houses are occupied. The dwellings adjoin each other and are both modern in appearance with flat roofs stepping upwards to the rear of the site to follow its topography. This application relates to the western dwelling which sits closest to the original dwelling.
- 2.2. The dwellings sit to the rear of a large detached Victorian property with two front gables to the front of the site overlooking Preston Park, a grade II registered park and garden. This is a former care home which is now in use as residential flats.
- 2.3. The site is within the Preston Park Conservation Area.

3. RELEVANT HISTORY

Land to the rear of 34 Preston Park Avenue

- 3.1. **BH2023/02475** Erection of first floor extension, roof terrace and installation of solar panels. Refused 20.11.2023 For the following reasons
 1. *The proposal, by reason of its unsympathetic design, height and massing in the prevailing context, would appear as an intrusive, visually dominating development which would cause harm to the character and appearance of the site and the wider Preston Park conservation area. The development is therefore contrary to policies CP12, CP15, DM18, DM21 and DM26 of the Brighton and Hove City Plan, and the guidance given in SPD12.*
 2. *The proposal, by virtue of its scale, height and the provision of a terrace, all sited in close proximity with neighbouring residential properties and gardens, would result in a harmful loss of amenity, by reason of an overbearing impact as well as overlooking, loss of outlook, and potential for noise disturbance for adjacent occupiers. The development is therefore contrary to policies DM20 and DM21 of the City Plan and guidance given in SPD12."*
- 3.2. **BH2022/00027** Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping to address non-compliance with the plans approved in

relation to planning permission BH2020/01832, with amendments to the parking allocation and the red line boundary. Refused 06.10.2022 For the following reasons: *The car parking would have a negative impact on the amenity of residents of the flatted development and would therefore be contrary to policies QD27 of the Brighton and Hove Local Plan and DM20 of Brighton and Hove City Plan Part Two.* Appeal dismissed

3.3. **BH2020/01832** Erection of 2no dwellings (C3) to the rear of existing building with associated landscaping. Approved 04.09.2020

3.4. **BH2019/02275** Erection of 1no detached dwelling (C3) to the rear of existing building with associated landscaping. Approved 06.02.2020

No. 34 Preston Park Avenue

3.5. **BH2022/00026** Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (retrospective) to address non-compliance with the plans approved in relation to planning permission BH2019/02007, with amendments to the parking allocation and to the red line boundary. Refused 06.10.2022 For the following reasons : *The car parking would have a negative impact on the amenity of residents of the flatted development and would therefore be contrary to policies QD27 of the Brighton and Hove Local Plan and DM20 of Brighton and Hove City Plan Part Two.* Appeal dismissed

3.6. **BH2019/02007** Conversion of residential care home (C2) to 5no two bedroom and 1no one bedroom flats (C3), incorporating two storey rear extension, revised fenestration and associated alterations (part-retrospective). Approved 27.02.2020

3.7. **BH2016/00584** Conversion of residential care home (C2) to 4no two bedroom and 1no three bedroom flat (C3) with erection of a two storey rear extension, revised fenestration and associated alterations (amended location plan). Approved 12.06.2017

4. APPLICATION DESCRIPTION

4.1. The application seeks permission for the erection of a flat-roofed first-floor extension, which would be stepped back from front façade of the building, and would follow the line of the narrower element to the rear of the building rather than covering the full expanse of the existing first floor. It is also proposed to install 25 PV solar panels to the remainder of the roof and that of the new extension.

4.2. The extension would project from the existing first-floor western elevation wall over a large area of flat roof. It would be approximately 6.00m in width, 3.00m in depth and 2.70m in height (when measured from the roof of the ground floor element). It would have a window in the southern (side) elevation but no

windows in either the northern (side) or western (front) elevations. The materials would match the existing property.

- 4.3. Since submission of the application, amendments have been made reducing the width and depth of the proposal in order to address officers' concerns regarding the size of the extension.

5. REPRESENTATIONS

- 5.1. Objections from **seven (7)** people raised the following issues:

- Additional traffic
- Detrimental impact on property value
- Inappropriate height of development
- Noise
- Overdevelopment
- Overshadowing
- Poor design
- Restriction of view
- Too close to the boundary
- Adverse impact on the conservation area
- Wildlife corridor
- Impact on residential amenity
- Access for building materials, delivery, storage and use
- Visible from properties within the conservation area
- Overlooking

6. CONSULTATIONS

- 6.1. **Arboriculture** 10th of April 2024
Although Tree Preservation Orders are on site the proposal would not impact them.
- 6.2. **Ecology:** 26th of March 2024 following receipt of photos and further information. The scheme is unlikely to provide roosting opportunities for bats so a Preliminary Roost Assessment (PRA) for bats is not required but an informative should be attached to any grant of permission:
- 6th of February 2024
- 6.3. Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.
- 6.4. **Heritage** 15th of February 2024
The proposed extension is not visible from the street therefore its effect on the conservation area from this perspective is negligible. Arguably there could be issues with views from neighbours adjacent to the development however the original development was approved and built. The proposed extension is

relatively small in relation to the original development and clad in similar materials. For this reason, do not see that proposal as harmful.

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
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM30	Registered Parks and Gardens
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents

SPD06	Trees & Development Sites
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 the design and appearance of the proposed development, including its impact on the conservation area; the potential impacts on the amenities of local residents; the standard of accommodation provided; and the impact on biodiversity.

Design and Appearance

- 9.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.
- 9.4. Under previous application BH2023/02475, a first-floor extension, roof terrace and solar panels were refused permission. This previously refused extension was larger, with a depth of 6.40m, a width of approximately 4.30m and a height of 2.70m. The extension was situated along the northern (side) boundary and had one window on the southern (side) elevation.
- 9.5. Amendments to the size and scale of the proposed extension have been made following the refusal, a roof terrace is not proposed under this current application.
- 9.6. The now proposed first-floor extension has a less bulky appearance than previously refused under BH2023/02475. It would be approximately 6.00m in width, 3.00m in depth and would extend approximately 2.70m in height (when measured from the roof of the ground floor element). It would extend from the first-floor western elevation wall and would not extend beyond the width of the existing first floor so would be positioned further from the northern boundary than the extension refused under BH2023/02475.
- 9.7. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. Policy DM21 of City Plan Part 2 states that extensions are expected to play a subordinate role that respects the design, scale and proportions of the host building, the takes account of the relationship with the adjoining properties, including the building line, roofscape, orientation, and the slope of the site.
- 9.8. The existing development takes up a large footprint on the site, appearing relatively low-level and, by way of excavation, fits in with the rising topography of the site, with a single-storey element sited to the west of the site, nearest the existing flatted development. The current proposal would follow the pattern of the low-level property and is considered to be of limited size relative to the existing building, which would ensure it would continue to fit in with the rising topography of the site.

- 9.9. The extension would not be of significant size, would be set back from all of the adjoining boundaries and located well within the roofscape of the existing property. The extension's siting within the roof space and its size would ensure it is suitably subservient, respecting the scale and proportions of the host property. The set back from the boundaries, flat roof design and size, takes into account the building line, orientation and slope of the site. The flat roofed design and matching materials respect the design of the host property.
- 9.10. The solar panels would be flat and situated at roof level. These would not be highly visible due to their flat nature and proximity to the flat roof and would not be visible off site.
- 9.11. The proposal would not be visible from within the public realm, the wider conservation area, or the Grade II Listed Preston Park which is located to the west of the property. It is acknowledged that the extension would be visible from many surrounding properties and their respective gardens. The extension, considerably reduced in size from that proposed under BH2023/02475, would fit well with the existing buildings at no.34A and no.34 B. The façade addition would therefore not have a significantly detrimental impact on these views. Furthermore, no objections have been raised by the Heritage Officer.
- 9.12. Previously under (BH2023/02475) concerns were raised about the lack of windows, resulting in a featureless, blank addition. Due to the smaller scale of this proposal, its bulk and prominence is much reduced over that proposed under BH2023/02475, reducing the impact caused by a lack of windows, particularly given the set-back from the facade. On balance the design is considered acceptable and to accord with Policies CP12 and DM12.

Impact on Amenities

- 9.13. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.14. The proposal contains one new window, on the south elevation facing towards the rear garden of 33 Preston Park Avenue. This would provide some additional views to the south, however, these would not be significantly above and beyond the view provided by the existing windows on this elevation.
- 9.15. The extension would be set back from the side boundaries which combined with its limited depth mean it would not cause significant overshadowing or loss of light for the neighbours at no. 35 to the north, no. 34 to the west and no.33 to the south. Furthermore, when the existing two storey element at no.34B is taken into account any loss of light or overshadowing is not expected to be significantly more than the existing situation.
- 9.16. The extension would bring the two-storey element 3.00m closer to no. 34 Preston Park Avenue. This would change the outlook from the rear windows of no. 34 to some degree, however, not significantly given there would be approximately 10.80m of separation between the extension and no.34. This

space, the differing topography and setting back of the extension from the front elevation also prevents significant harm by way of loss of light or overshadowing.

- 9.17. The solar panels are not considered to be of a position or angle which would cause glare to significantly impact neighbouring properties amenity.

Standard of Accommodation

- 9.18. 'The 'Nationally Described Space Standard' (NDSS) was 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 City Plan Part 2 and can now be given full weight.

- 9.19. The proposal would provide one additional bedroom for the existing three bed property, with a floor area of approximately 10.4sqm and a width of 2.50m. While not meeting the requirements of a double bedroom, the proposed room would meet that required for a single room. It is acknowledged that a double bed is shown on the plans, however, the room use and occupancy number would not be suitable to secure for the extension of a single dwelling, such no.34B. Furthermore, the other double bedroom on the first floor meets the standards required and the proposed bedroom would have sufficient light, outlook and ventilation.

Biodiversity and Trees

- 9.20. In regard to arboriculture the proposal is not expected to impact upon protected trees on the site, especially as the extension would be at first floor level and therefore not breaking ground.

- 9.21. The County Ecologist has confirmed they have no objection to the proposal following further information that has been provided. The informative the Ecologist has requested in relation to bats will be added to the application.

- 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.

Other Matters

- 9.23. The benefit of the provision of additional renewable energy through the provision of 25 solar panels must be given weight in determining this application, and would accord with Policy DM44 of City Plan Part 2.

- 9.24. There would be no change to the access or increase in vehicle movements resulting from the scheme so further impact on highway capacity or road safety is not expected.

- 9.25. Matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Conclusion

- 9.26. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. External materials and biodiversity improvements shall be 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.

11. COMMUNITY INFRASTRUCTURE LEVY

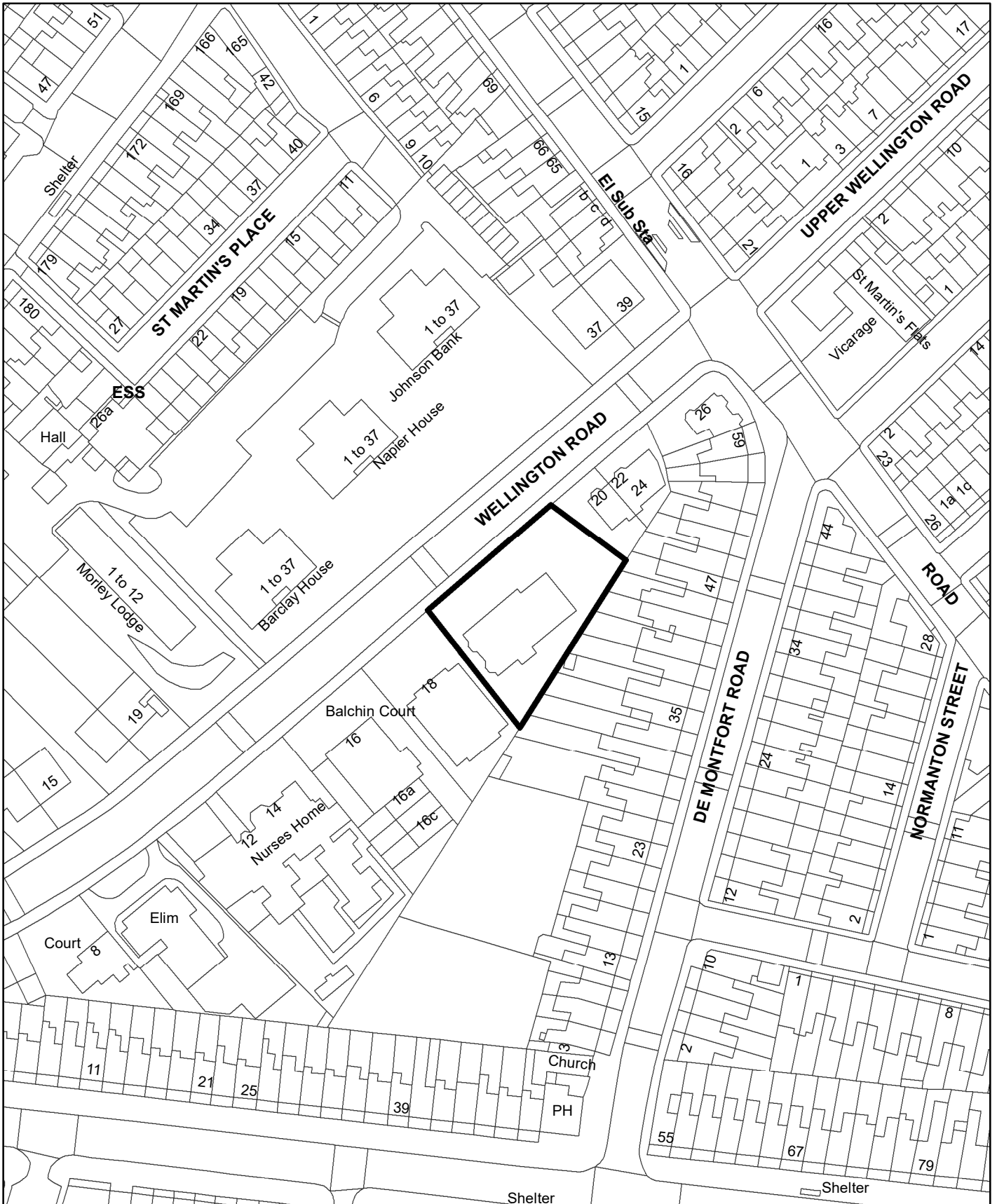
- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount will be confirmed in the CIL liability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

ITEM F

**Flat 13, St Gabriels, 18A Wellington Road
BH2023/03432
Full Planning**

DATE OF COMMITTEE: 8th May 2024

BH2023 03432 - Flat 13, St Gabriels, 18A Wellington Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/03432	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 13 St Gabriels 18A Wellington Road Brighton BN2 3DJ		
<u>Proposal:</u>	Change of use from studio flat (C3) to three bedroom small house in multiple occupation (C4) with installation of front and side dormers and rear rooflights.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	12.01.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	08.03.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.04.2024
<u>Agent:</u>	Clive Hawkins Architects Ltd 114 Mackie Avenue Brighton BN1 8RD		
<u>Applicant:</u>	M & S Developments 8 Overhill Way Brighton BN1 8WP		

This planning application was deferred by the Planning Committee on 3rd April 2024 as Members required the officer to undertake an internal site visit. This has now been undertaken, with photos to be presented at the Planning Committee meeting.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	LOC PLN		29 December 2023
Proposed Drawing	24	C	11 March 2024
Proposed Drawing	25		29 December 2023
Proposed Drawing	26		29 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 C4 HMO development hereby approved shall be implemented in strict accordance with the layout detailed on the proposed floor plan ref. 24 C received on 11th March 2024 and shall be retained as such thereafter. The layout of the kitchen and living spaces shall be retained as communal space at all times and

shall not be used as bedrooms. Bedroom 3 shall only be used for occupation by one (1) person.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policies DM1, DM7 and DM20 of the Brighton & Hove City Plan Part Two.

4. The development hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with Policies DM1, DM7 and DM20 of the Brighton & Hove City Plan Part Two.

5. The front and side dormers of the development hereby permitted shall match in material, colour, style and size, those of the existing dormers on the front roofslope.

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

6. 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 DM18 and DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

7. The C4 HMO 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.

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 significant detached Victorian two-storey villa, on the eastern side of Wellington Road. Although not located within a conservation area, the building is Locally Listed.

3. RELEVANT HISTORY

- 3.1. **BH2023/00659** -: Conversion of roof space to form 1no studio unit (C3) incorporating rear dormers. (Retrospective). Approved
- 3.2. **BH2022/01128** -: Non-material amendment to application BH2021/02079 to allow repositioning of one rear dormer. Refused for the following reason:
The proposed amendments to approved scheme (BH2021/02079) would be materially different from the scheme as approved and therefore constitute a material amendment with the works falling outside of the scope of the original planning permission.
- 3.3. **BH2021/02079** -: Conversion of roof space to form 3no studio units (C3) incorporating front and side dormers. Approved
- 3.4. **BH2020/02968** -: Conversion of existing 1no three bedroom and 1no two bedroom flats (C3) at first floor level to form 1no one bedroom, 1no two bedroom and 1no three bedroom flats (C3). Refused for the following reasons:
- 3.5. The proposed development would not provide any suitable family accommodation by virtue of insufficient space within the proposed units and so would be contrary to part b) of policy HO9 of the Brighton and Hove Local Plan.
- 3.6. The development would provide an inadequate standard of accommodation in two of the proposed dwellings with insufficient space for the potential level of occupancy and inadequate living areas. For this reason the proposed development is contrary to policy QD27 of the Brighton and Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. The application was initially considered at the Planning Committee Meeting on the 3rd April 2024. Members raised concerns in respect of the quality of accommodation and light available to future occupiers, due primarily to the proposed HMO being located in the existing roof space with sloping ceilings. Members voted to defer making a decision until internal photos of the existing studio flat were provided, and would then consider if a site visit was required by Members to assess further, or that a determination could be made.
- 4.2. The application seeks approval for the change of use from a studio flat (C3 Use Class) to a three bedroom small house in multiple occupation (C4 Use Class) with the installation of one front roofslope dormer, one side roofslope dormer and two rear roofslope rooflights.

- 4.3. The works would involve predominantly utilising the existing roof space, adjacent to the current studio (flat 13), with the minimal external changes to the bulk and form of the existing building from the proposed new dormers and rooflights only. The existing roof and envelope of the building would otherwise remain unaltered.
- 4.4. The proposed development has been substantially amended during the course of the application due to concerns raised by Officers regarding the quality and amount of space provided for future residents. The application was originally for a five (5) bedroom HMO, this has now been reduced to a three (3) bedroom HMO within the same floorspace. This has increased the size of the proposed bedrooms and living/communal space per future occupant.

5. REPRESENTATIONS

5.1. **Objections** from **six (6)** people raising the following issues:

- Adverse effect on/not in keeping with listed building
- Detrimental effect on property value
- Inappropriate Height of Development
- Noise
- Overdevelopment
- Overshadowing
- Poor design
- Too close to the boundary
- Traffic/highways issues

5.2. **Support** from **six (6)** people raising the following issues:

- Good design
- No detrimental effects on neighbourhood

6. CONSULTATIONS

- 6.1. **Heritage:** No objection subject to condition
The proposed front dormer would bring some symmetry to the front elevation. The other elements of the scheme relate to less visible or less significant parts of the building and no objection is raised on heritage grounds. A condition for the proposed dormers to match the existing is recommended.
- 6.2. **Highways:** Verbal Comments No objection
Acceptable, subject to cycle parking condition
- 6.3. **Private sector housing:** No comment
- 6.4. **Southern Water:** Comment
Southern Water requires a formal application for any new connection to the public sewer.

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM28	Locally Listed Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. Previously planning permission has been approved and implemented for the conversion of the buildings roof space into 3 flats under BH2021/02079 and BH2023/00659 (Flat 13). These works are complete and included the provision of two rear dormers.
- 9.2. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the site and wider area, the standard of accommodation provided for existing and future residents, potential impacts on the amenities of neighbouring properties, and transport and sustainability considerations.

Principle of development

- 9.3. This application seeks conversion of the existing roof space from 1 no studio unit (C3) to a three bedroom small house in multiple occupation (C4).

Housing:

- 9.4. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.5. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.6. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.7. The NPPF (paragraph 8a) highlights the social objective, that development should support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the present and future generations.
- 9.8. The proposed development would not alter the amount of residential development in the City as the existing dwelling and that proposed would both fall within residential use Classes. The existing studio is Use Class C3

(dwellinghouses) and the proposed is Use Class C4 (House in multiple occupation) for not more than six residents.

- 9.9. As a principle of development, therefore, the change of use from C3 to C4 has a neutral effect on the current housing shortfall and is given no additional weight in the determination of the application.

Change of use to C4 HMO:

- 9.10. Policy CP21 of the Brighton and Hove City Plan Part One 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 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."*

- 9.11. A mapping exercise has been undertaken (March 2024) which indicates that there are 178 properties within a 50m radius of the application property, three of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 1.69%.

- 9.12. Based on the percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a three (3) bedroom HMO (Use Class C4) would not conflict with the aims of policy CP21.

- 9.13. 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."*

- 9.14. Criterion a) has been assessed (March 2024) and the percentage of HMO dwellings in the wider neighbourhood area has been calculated at 10.63% and therefore criterion a) has been met.

- 9.15. Criterion b) The area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs in a continuous frontage; and would not lead to a continuous frontage of three or more HMOs so accords with criterion (c).
- 9.16. Considerations regarding amenity space and communal living (criteria d and e) are set out below.
- 9.17. On this basis, the scheme is considered to accord with policy CP21 of the Brighton and Hove City Plan Part One and policy DM7 of the Brighton and Hove City Plan Part Two.

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 space standards have now been formally adopted into the Brighton and Hove City Plan Part Two in Policy DM1 and the development is assessed in relation to these standards. Additionally, the proposals are also considered against DM7 which sets the standard for HMOs (including what is expected of communal areas).
- 9.19. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.20. The proposal would involve the extension of the existing studio flat and roof void to form a three (3) bedroom small HMO within the roof space.
- 9.21. The standards adopted within DM1, mirror that of the NDSS, and require that new development should have a minimum ceiling height of 2.3 metres for at least 75% of the proposed floorspace. The proposed ceiling heights are shown on the proposed floor plan, with dotted lines showing the extent of the ceiling at 2.3m, 2m and 1.5m (the minimum height proposed).
- 9.22. The proposed C4 HMO would have 3no. bedrooms with a total proposed floor area of 127m² above 1.5m height. 63m² of this would be above 2.3m in height.
- 9.23. The proposed unit has 3 bedrooms and as 63m² of the proposed unit would have a 2.3m ceiling height it is considered that it falls into the category of a 3B5P (three bed - five person) unit with an overall minimum floorspace requirement of 86m².
- 9.24. The proportion of ceiling height over 2.3m is 1.5m² below that which would be expected of a 3B5P unit (64.5m²) but considering the substantial total floorspace (127m²), the slight deficit is considered acceptable in this very specific instance.
- 9.25. The proposed accommodation would comprise a living room/kitchen (39 m²), separate storage area, two bathrooms/showers and three bedrooms which vary in size (15sqm - 18sqm), - with two double beds and one single bed indicated due to restricted head height below 2.3m.

- 9.26. The standards set within DM1 require a floorspace of 7.5m² for a single bedspace and 11.5m² for a double bedspace. Bed 1 and Bed 2 would be 18m² (doubles) and Bed 3 would be 15.7m² (single – due to restricted head-height). All of the bedrooms would be of adequate size and could accommodate standard bedroom furniture (bed, desk, chair and storage furniture) while maintaining a sufficient amount of circulation space for adult/s to move around. The restricted head height below 2.3m in each of the bedrooms is considered acceptable, due the overall amount of floorspace provided which is well above the minimum required.
- 9.27. The kitchen and living space would allow for sufficient space for occupants to cook and dine together and would exceed the communal space guidelines under Policy DM7 for five persons.
- 9.28. The proposed HMO would be served in terms of bathroom facilities by two shower rooms with associated W.C. and washbasin.
- 9.29. The overall space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation for up to five (5) persons. All the bedrooms proposed meet the government's minimum space standards for the number of occupiers proposed and would have good or sufficient levels of natural light and outlook.
- 9.30. The proposed HMO would not have any outdoor amenity space provided and whilst outdoor space is beneficial to all homes, given the location of the property within the densely populated area of the city where many properties generally have little, if any outside space, it is not considered that lack of outside space would be harmful to the future occupiers of the HMO sufficient to warrant refusal of the application. In reaching this assessment it is noted that the property is close to The Level and William Clarke parks which are the nearest green and open spaces located to the south west and north east of the site respectively.
- 9.31. The above assessment has been made on the dwelling being used as a three-bedroom, five-person HMO. The ceiling heights and the indicative layout demonstrate that a higher level of occupation would likely result in a cramped living experience for more than five occupants, with insufficient circulating space within the communal areas and bedroom 3 in particular. Conditions are therefore recommended to secure a maximum occupation of five persons and three bedrooms, with the proposed floor plan retained.
- 9.32. Subject to the recommended conditions the proposed HMO is therefore considered in accordance with policies DM1 and DM7 of the Brighton and Hove City Plan Part Two.

Design and Appearance

- 9.33. The proposed works involve reorientation of the existing studio flat and extending into the existing roof void. Two new dormers would be created with both matching the appearance of the current dormers to the building in width, height and form. The new front dormer would be located to the north-west elevation in such a position that it would mirror and balance the existing front

dormers, well located above lower floor windows. The new side dormer located to the north-east elevation would be the first to this roofslope and due to roof form it cannot be located above the existing fenestration. The materials for both would match the existing dormers and roofslope. Due to the matching form, materials and placement on the roof the proposed dormers are considered acceptable, and no objection has been raised by the Heritage Officer with regards to impacting on the historic character and appearance of this locally listed building.

- 9.34. The new rooflights (2) proposed to the rear elevation would be located to the north of the existing rear dormers and roughly in line with the existing fenestration below. Due to the limited visibility in the public realm and located on the rear roofslope these rooflights are considered appropriate.
- 9.35. Subject to conditions to secure appropriate materials and form the proposed dormers and rooflights are considered suitable alterations to the building that would not have any adverse impacts on the appearance of the locally listed building or wider area in accordance with policies CP15 of the City Plan One and DM21 and DM28 of the City plan Part Two.

Impact on Amenity

- 9.36. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.37. The impact on adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified. The new dormers would not affect any other properties with their form, likewise the proposed rooflights.
- 9.38. No increase in overlooking would occur from the front fenestration, as this would overlook parking areas and the highway and already has a high degree of mutual overlooking. To the side and rear the new fenestration overlooks gardens which already sustain a relatively large degree of mutual overlooking from existing residential windows. The slim profile of the dormers and rooflights, set within sloped ceilings of the proposed HMO, mean the potential impact of overlooking is further reduced, limiting oblique views to the neighbouring properties and the amount of outlook.
- 9.39. It is recognised, as raised in comments received, that the dormers/rooflights introduce elevated views into neighbouring gardens however it is considered that the potential amenity impacts of the development do not result in additional significant harm over the existing situation.
- 9.40. The proposed change of use from a studio to a small HMO (for a maximum of 5 persons) may create more comings and goings from the property and in a different pattern to the existing use, however, it is not considered that the additional comings and goings from a small HMO use would amount to a level of noise and disturbance that would warrant refusal of the application, including

to existing residential units in the property as well as neighbouring properties. However this would only be on the basis that sound insulation between the proposed HMO and existing residents is sufficient to mitigate. Therefore a condition would be attached to ensure that adequate sound insulation is provided and verified by the LPA prior to first occupation as an HMO.

- 9.41. The amenity and living conditions of the future occupants has already been assessed and discussed and found acceptable in the standard of accommodation section of this report.
- 9.42. The proposed works would not cause significant harm to amenity in accordance with Policy DM1, DM7 and DM20 of City Plan Part Two.

Sustainable Transport:

Cycle Parking

- 9.43. This proposal requires a minimum of three cycle spaces for the proposed HMO. The exact details and provision of this cycle parking will be secured by condition for approval by the LPA prior to first use of the development.

Servicing

- 9.44. The applicant is not proposing any significant alteration to the current servicing and delivery arrangements to this site and for this development this is deemed acceptable.

Car Parking

- 9.45. The applicant is proposing no new parking spaces associated with the new dwelling. This accords with the Parking Standards in SPD14. Highways Officers have confirmed they find the lack of new onsite parking arrangement suitable and any increase in trips would not have a significant impact on highway network and safety. The site is located within the Controlled Parking Zone (CPZ) V, so any on street parking is controlled via permit.

Ecology

- 9.46. Policy CP10 of the City Plan Part One and DM37 of City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.47. 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. In this case as the external works are only to the roof slopes of the existing building the application of conditions for Bee Bricks or Swift Boxes is not considered appropriate.

Conclusion

- 9.48. The proposed development is considered to be acceptable in principle as it meets the requirements of Brighton and Hove City Plan Part Two policies DM1 and DM7. In terms of the design approach the proposal would not result in harm to the appearance and character of the property and would be in accordance with Brighton and Hove City Plan Part Two policies DM18, DM21 and DM28.

The amenity of the existing and future occupiers would not be significantly harmed and accords with policies DM1, DM7 and DM20 of the City Plan Part Two. For the reasons above the proposal is recommended for approval.

Community Infrastructure Levy

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

10. EQUALITIES

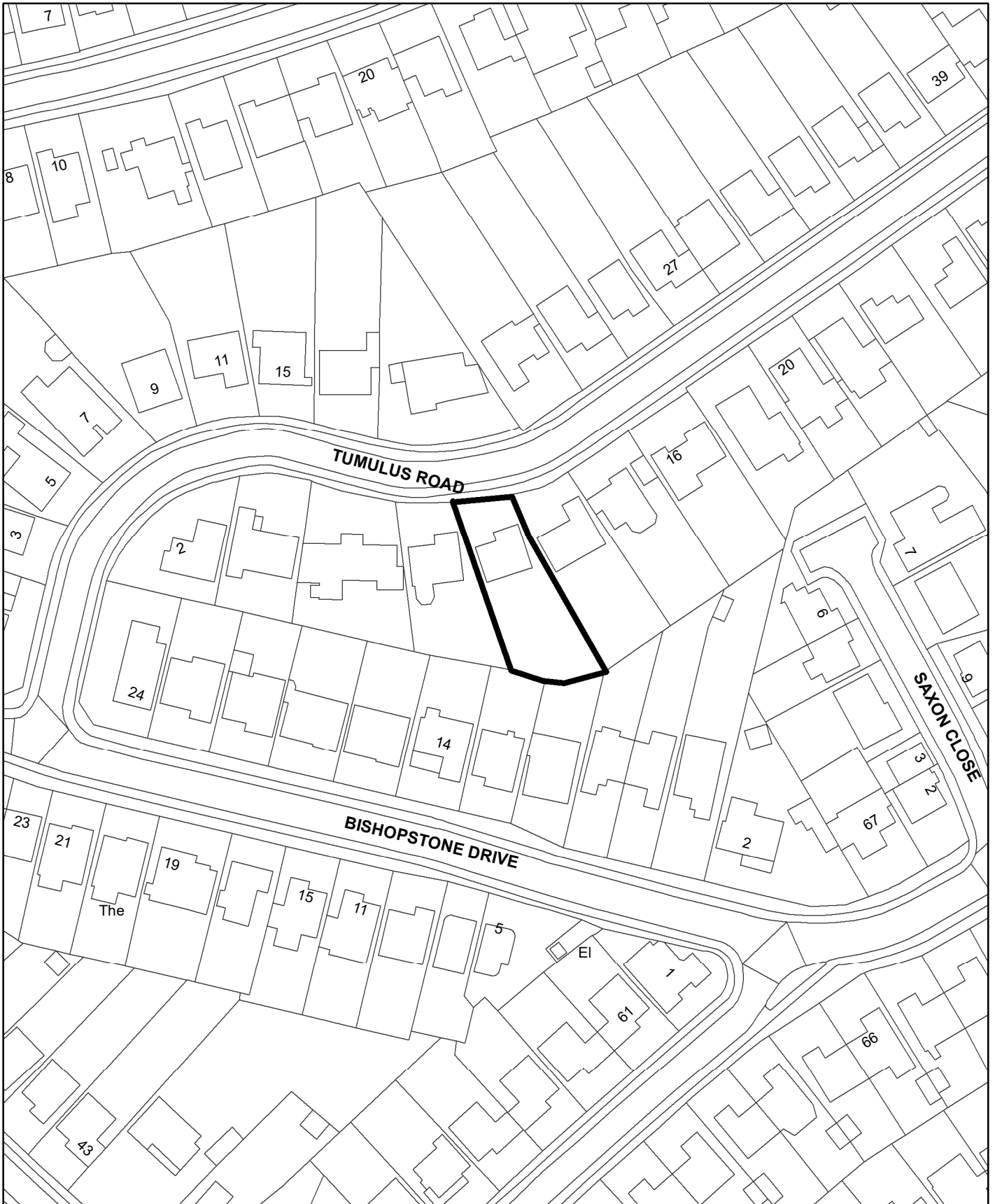
- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The works would provide an upper storey HMO in existing property which would not be accessible to those reliant on a wheelchair, but there is no indication that it would otherwise affect those with protected characteristic.
- 10.2. The main property has stepped access. This would not change as part of the development proposed and access would still remain more difficult for those who have restricted mobility or visibility.

ITEM G

**10 Tumulus Road
BH2024/00243
Householder Planning Consent**

DATE OF COMMITTEE: 8th May 2024

BH2024 00243 - 10 Tumulus Road



N



Scale: 1:1,096

<u>No:</u>	BH2024/00243	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	10 Tumulus Road Saltdean Brighton BN2 8FS		
<u>Proposal:</u>	Erection of front porch, installation of first floor Juliet balcony to rear, and alterations to fenestration. Roof alterations incorporating raising of ridge height, installation of rear dormer and retiling of roof.		
<u>Officer:</u>	Charlie Partridge, 292193	tel:	<u>Valid Date:</u> 06.02.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	02.04.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.04.2024
<u>Agent:</u>	Plans Prepared 8 Greenbank Avenue 8QS	Saltdean Brighton BN2	
<u>Applicant:</u>	Mr David Collins 10 Tumulus Road Saltdean Brighton BN2 8FS		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			26 January 2024
Proposed Drawing	TR-003	B	11 April 2024
Proposed Drawing	TR-004	B	11 April 2024
Proposed Drawing	TR-005	B	9 April 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 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

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site comprises a two-storey detached dwellinghouse of mainly brick and tile construction on the south side of Tumulus Road. Due to the gradient of the site, which slopes downwards from north (front) to south (rear), the front of the property is single storey and the rear is two storey. The property currently features a rear balcony at first floor level.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. Permission is sought for the erection of a front porch, the installation of a first floor Juliet balcony to the rear replacing the existing first floor rear window, and a replacement first floor balcony with a new obscurely glazed glass balustrade. Permission is also sought for roof alterations incorporating the raising of the ridge height by 800mm and the installation of a flat-roofed dormer.
- 4.2. The proposed alterations to fenestration would involve replacing the first floor balcony access doors and side windows with four full-height double glazed doors, the replacement of the ground floor rear garden doors with a glazed box window, the replacement of the ground floor rear window with a set of five double glazed bifold doors, the relocation of the ground floor side door and the removal of the ground floor window to the western side elevation. An obscurely glazed side window is also proposed either side of the house at first floor level beneath the gable ends to serve the two ensuite bathrooms. The existing ground floor bedroom would be changed to a lounge and two new bedrooms would be created within the converted loft space, resulting in one additional bedroom to the property.
- 4.3. During the course of determining the application, the drawings were amended. The amended proposal reduced the scale of the proposed dormer. The amended design would also increase the ridge height further than the original proposal did to allow for a greater head height and for a larger proportion of rear roofslope to remain following the construction of the proposed dormer.

5. REPRESENTATIONS

- 5.1. Six (6) letters have been received from neighbours objecting to the proposed development. The following concerns have been raised in objections:
- Inappropriate height of development
 - Overshadowing
 - Out of keeping
 - Privacy concerns/overlooking
 - Restriction of view
 - Detrimental effect on property value
 - Poor design
 - Overbearing
 - Impact on residential amenity
 - Poor thermal management
- 5.2. Concerns regarding property value are not a material planning consideration.
- 5.3. Following the aforementioned amendments to the proposal, neighbours have been renotified and the consultation expires on 6 May 2024. Any additional representations received will be summarised in the late list and/or updated verbally at the Planning Committee meeting.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove 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
CP12	Urban Design

Brighton & Hove City Plan Part Two:

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

Supplementary Planning Document:

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 design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity.

Impact on Character and Appearance:

- 9.2. The original design of the proposed rear dormer would have occupied almost the entire rear roof slope. The scale of this dormer was therefore considered to be disproportionate to the host property and would have been harmful to its appearance.
- 9.3. During the course of determining the application, the drawings were amended to reduce its scale of the dormer. The dormer was reduced in width by 750mm and the depth was reduced so that it would be set back 1.1m from the soffit. It is considered that these amendments have brought the dormer into line with SPD12 guidance which, in relation to rear dormer extensions, states that *"As a rule rear dormers should be appropriately set in from the side, set down from the ridge and set up from the eaves so as not to appear as an additional storey or appear "top heavy"*".
- 9.4. Although the proposed dormer has been reduced in scale, it would still represent a relatively large addition to the rear roof slope. However it would be in proportion to the host dwelling and the size of it is considered acceptable. Further, it would be located to the rear of the dwelling and would therefore not be clearly visible from the public realm. As such, its impact on the character and appearance of the area would be limited.
- 9.5. It is proposed that the dormer would be finished in composite cladding. In order to ensure that it does not appear overly prominent within the roof, a condition would be attached to any planning permission to ensure that details of the cladding to be used are agreed prior to the commencement of the development as it is not considered that white cladding to match the existing cladding on the gable ends of the property would be appropriate or sympathetic.

- 9.6. The proposed increase in the ridge height of the property by 800mm is considered to be acceptable. There is some variety in ridge heights along Tumulus Road. When viewed in conjunction with the two adjacent neighbouring properties either side of the application site, there is variation in the land levels and thus the heights of the roofs which form a stepping down appearance following the gradient of the road. No.8 to the west is on a higher level and No.12 to the east is on a lower level, a formation that would be maintained despite the raised roofline. While it is accepted that this would represent a notable increase in ridge height, the total height would still be below the ridge height of No.8, maintaining the stepped down appearance of the group. This has been illustrated on the amended elevational drawings.
- 9.7. A front porch is proposed. This porch has been kept to an appropriate scale and would have the same eaves height as the main dwelling. It would feature a dual pitched roof to match the roof form of the garage. It would be slightly set back from the garage and the roof would measure approximately half the height of the garage, ensuring it remains subordinate to the host building. The roof would be tiled, and the walls would be finished in composite cladding to match the existing cladding throughout the property. For these reasons, the porch is considered to be a suitable and sympathetic addition to the host property that would have a minimal impact on its appearance or that of the wider streetscene. It would be somewhat in keeping with its surrounding context as several front porches of varying design exist within the locality.
- 9.8. The proposal would also involve the replacement of the first-floor rear window with doors and a Juliet balcony and the rebuilding and widening of the existing rear balcony at first floor level with a new set of doors and replacement glass balustrading. These alterations would not result in harm to the appearance of the dwellinghouse and, given they would be located at the rear of the property, they would not be detrimental to the character or appearance of the wider area. Furthermore, a structural engineer has deemed that the existing balcony is no longer structurally sound and is hazardous, reconstructing the balcony would therefore improve the safety of the property.
- 9.9. The proposal would therefore be in general accordance with Brighton & Hove City Plan Part Two policy DM21.

Impact on Residential Amenity:

- 9.10. 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.
- 9.11. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified. Six representations have been received objecting to the proposal and raising concerns including the potential for increased overlooking from the proposed dormer and Juliet balcony. However, the property already has some views into neighbouring gardens via the first-floor rear

windows and existing balcony and due to the difference in land levels, a degree of overlooking already exists between the properties along Tumulus Road and those on Bishopstone Drive. It is not considered that a rear dormer or first floor Juliet balcony would afford significantly more compromising views into neighbouring properties when compared to the existing views provided by the first floor rear balcony and windows. Additionally, the increase in the size of the proposed first floor balcony is relatively modest and would not result in any significant increased impact on neighbouring properties in respect of privacy and noise and disturbance.

- 9.12. In addition, there is a significant distance separating the rear elevation of 10 Tumulus Road and the rear elevations of the properties on Bishopstone Drive. The nearest property on Bishopstone Drive is approximately 25m away and the other nearby properties are between 27-32m away. In urban settings such as these, it is acknowledged that some mutual overlooking is to be expected. A 25m gap is considered adequate separation distance between these properties so that any overlooking would not be significantly harmful as to warrant a refusal of the application. The proposed replacement balustrading to the rear balcony would be obscurely glazed which would be likely to slightly improve privacy when compared with the current wooden slats.
- 9.13. Concerns have been raised regarding the potential for the proposed roof alterations to cause overshadowing, to have an overbearing effect or to impact on outlook/view. As mentioned previously, the application site is located a significant distance from the properties along Bishopstone Drive and the roof works would also be set away a large enough distance from both adjacent neighbours as to not have an overbearing impact. The ground floor side windows at No.8 serve a garage and there are no windows on the western side elevation of No.12. The proposal is therefore not expected to be overbearing nor is it expected to result in any overshadowing or loss of outlook.
- 9.14. It is considered that for the reasons set out above, the proposed development would not cause significant harm to the amenity of neighbours and would therefore not conflict with policy DM20 of the Brighton and Hove City Plan Part 2.

Standard of accommodation

- 9.15. The proposal facilitates the provision of two new bedrooms to this property. They would be at roof level and would benefit from sufficient outlook and natural light via the proposed dormer windows. Both bedrooms would have an internal floor space which would exceed the standard for double bedrooms of 11.5m² set out within the Nationally Described Space Standards. The space created would therefore be in conformity with CPP2 Policy DM1.

Biodiversity

- 9.16. None identified. A condition would usually be recommended requiring a bee brick to enhance nature conservation of the site. However, as the front porch extension would be composite clad it would not be reasonable to attach this condition.

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.

10. EQUALITIES

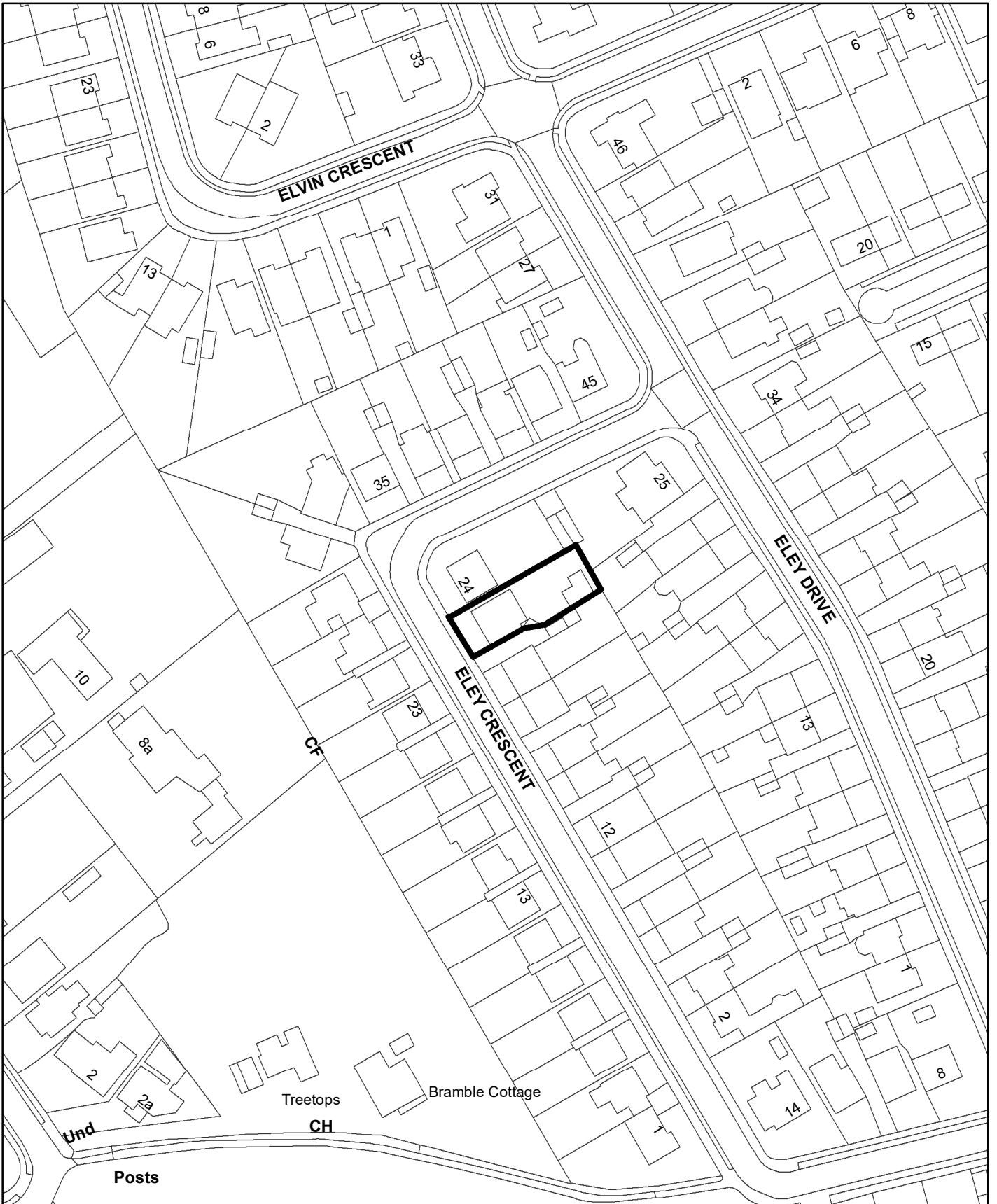
- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy 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 H

**22 Eley Crescent
BH2023/03111
Householder Planning Consent**

DATE OF COMMITTEE: 8th May 2024

BH2023 03111 - 22 Eley Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2023/03111	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	22 Eley Crescent Rottingdean Brighton BN2 7FE		
<u>Proposal:</u>	Roof alterations to include hip to gable roof extensions, front rooflight and rear dormer, erection of single storey rear extension with rooflights, conversion of existing garage to habitable space, revised fenestration and associated works. (Part-retrospective)		
<u>Officer:</u>	Vinicius Pinheiro, 292454	tel: <u>Valid Date:</u>	05.12.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	30.01.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	29.03.2024
Agent:			
Applicant:	Coast Construction 17 Grover Avenue Lancing BN15 9RG		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	PL1	E	5 April 2024
Location and block plan	PL1	E	5 April 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 annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

Reason: In order to protect the amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling and in accordance with policy DM20 of Brighton & Hove City Plan Part 2.

4. The annexe development hereby permitted shall not be first 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.
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 CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.
Reason: To ensure the annexe is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, DM20 and DM21 of the Brighton and Hove City Plan Part Two.
7. The annexe hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (PL1 E) received on 05.04.2024. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter, to secure it remains ancillary and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 single storey detached dwellinghouse located on the eastern side of Eley Crescent in Rottingdean. The street scene is residential, and a number of rear extensions are present in the area, including at the adjoining property no. 20 Eley Crescent. Some of the properties within the street have had their roofs extended, including no. 19, 27 and 31 Eley Crescent.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. APPLICATION DESCRIPTION

- 3.1. The proposal seeks roof alterations to include hip to gable roof extensions, a front rooflight and a rear dormer, and the erection of a single storey rear extension with rooflights. The proposal also includes the conversion of the existing garage to habitable space, revised fenestration to the garage and associated works.
- 3.2. Amended plans have been received since submission of the application to remove the fence in front of the proposed outbuilding, to change the layout of the proposed annexe to show it being subservient to the main property, to correct the elevational plans of the annexe and main dwellinghouse to include all of the proposed alterations, and to remove the terrace of the proposed rear extension. The application has been re-advertised and the adjacent neighbours re-consulted.
- 3.3. Following the Officer site visit, the description of the proposal has been amended to state that the proposal is part-retrospective as groundworks have started and to remove reference to a rear terrace as it is no longer part of the proposal. No further re-consultation was undertaken as the impact of the scheme was considered to have been reduced as a result of the removal of the rear terrace.
- 3.4. Whilst it is preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the retrospective nature is not a material consideration.

4. RELEVANT HISTORY

- 4.1. **BH2005/02184/CL** - Certificate of Lawfulness for proposed roof conversion with rear dormer and half gable end and detached garage in rear. Approved 02.09.2005

5. REPRESENTATIONS

- 5.1. **Five (5)** comments have been received objecting to the proposal for the following reasons:
- Additional traffic
 - Detrimental effect on property value
 - Overdevelopment
 - Poor design
 - Use of outbuilding for residential/commercial use
 - Noise
- 5.2. **Two (2)** comments have been received neither objecting to or supporting to the proposal for the following reasons:
- Potential overlooking from the proposed rooflights
 - Parking space
 - Inaccurate plans
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Transport & Highway Team:** Verbal comment 08.01.2024 Acceptable
Acceptable, subject to cycle parking condition
- The loss of the garage will result in a potential loss of storage for cycle parking. Parking Standards SPD14 require a minimum of 2 cycle parking spaces for 3 - 4+ bedroom dwellings. A minimum of 2 cycle parking spaces are required. There appears to be space on site for a secure cycle parking storage. We would request a cycle parking scheme condition to be attached
 - The proposed conversion of the garage into a habitable space will result in the loss of one car parking spaces. However, it appears to be space for a vehicle to park on the driveway without overhanging into the public highway. We would therefore wish not object to that.
 - The proposed changes are likely to increase the number of trips to the location however, these are unlikely to be significant enough to object.

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

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
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
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, the principle of the annexe use, the impact on neighbouring amenity, the standard of accommodation and the equalities.

9.2. An officer site visit has been undertaken.

Design and Appearance

9.3. No. 22 Eley Crescent has no restrictive planning conditions and the hip-to-gable loft enlargement and fitment of 1no. front rooflight could be carried out under permitted development rights. Notwithstanding that this is the case, there is already a presence of the proposed gable end roof form within the immediate vicinity of the site, therefore, the proposal would not look out of context in the

wider setting. Therefore, given the legitimate permitted development fallback position and the proliferation of other similar extensions in the locality, it is considered acceptable in this instance.

- 9.4. The rear dormer is adequately set up from the eaves and down from the ridge to be a clear addition to the roof rather than appearing as a second storey. There is no clear visual gap between the dormer and the proposed rear extension, and it would have a flat roof, unlike the main dwelling. However, considering the location to the rear, while it would be visible from the Eley Crescent where it curves around to the north, it would be viewed alongside a similar dormer on the neighbouring property so is considered acceptable.
- 9.5. Further, the rear dormer could be installed under permitted development rights if the hip-to-gable extension was not carried out.
- 9.6. Notwithstanding the permitted development fall back position, it is considered that the development as a whole is acceptable, for the reasons set out above.
- 9.7. The new windows fitted to the dormer are an appropriate size and relate well to the new fenestration of the ground floor rear extension. The site is not within a conservation area therefore there is no objection to the new windows being uPVC, particularly as they match the existing.
- 9.8. The rear extension would be single storey in height and would replace an existing rear extension. It would be contained to the rear of the property and would not be highly visible, if at all from public vantage points. The extension would be approximately 5 metres in depth and 3.6 metres in height, given the drop in land levels to the rear (north) of the property. The extension would have a flat roof with rooflights, the walls would be rendered to match the existing and the doors would be uPVC and would have stairs leading to the garden area.
- 9.9. The flat roof would adjoin the dwelling at a point higher than the existing eaves of the property, which is regrettable. Whilst the external appearance of the extension would be improved by dropping the height below the existing eaves level, it is nevertheless considered acceptable given the location of the extension at the rear of the property. The depth and height taken collectively result in a fairly sizable extension that would be prominent on the rear elevation when viewed from neighbouring properties. However, due to not being highly visible in the wider public realm and given the size of the plot the works are not considered to represent a harmful development or a development which results in the overdevelopment of the site, particularly noting those on neighbouring dwellings.
- 9.10. A window is proposed in the existing north and south elevations of the property in order to provide a window to the proposed lounge and kitchen area. It is acknowledged that a similar addition could be carried out under permitted development rights. The windows would be uPVC and are considered to be acceptable.

- 9.11. The existing garage would be converted into an annexe with external alterations proposed, namely the replacement of the garage door with window that would serve the kitchen; the replacement of the a door to the north-west elevation with a window that would serve the toilet and the removal of a window to the south-west elevation. It would remain single storey in height and would have a render finish, with uPVC doors and windows. The materials would match and relate suitably to the main house.
- 9.12. Given its location, it would not be highly visible from the streetscene. Considering the sympathetic materials and the sizeable rear garden of the host property, it is considered ample garden space would remain undeveloped, and the overall appearance would be acceptable.
- 9.13. Overall, taking into account the works that could be undertaken under permitted development rights, the presence of similar extensions in the surrounding area, and the limited visibility of works to the rear of the site, the scheme is considered acceptable in terms of its design and appearance, and to accord with Policies DM18 and DM21 of City Plan Part 2.

Principle of Development - Annexe

- 9.14. The proposal also includes the conversion of the existing garage into habitable space, with associated alterations. The essential expectation for annexe accommodation is that, for it to be acceptable, any accommodation provided on site should be ancillary to the main residential use of the site and a clear dependency is retained at all times with the host building. Only on this basis can it be regarded as not forming a separate residential unit.
- 9.15. Dependency can be demonstrated though the sharing of facilities/links with the main building, including the sharing of garden space, kitchen/bathroom facilities, site access and retention of internal links between the host property and annexe accommodation.
- 9.16. With reference to the above, it is noted that the proposed annexe would be separated from the main house and includes a living/kitchen area, bathroom and sleeping area. Since submission it has been confirmed that the space would be used as residential accommodation for a family member, in connection with the main building. The annexe would share its main site access with the host property. The floor plan submitted details that the door would lead to the property's garden which would remain shared with the occupiers of the main house, and a condition is recommended removing the householders rights to erect any fencing so that the plot does not become sub-divided in the future. Also, the kitchen's window faces the rear of the main dwelling house and the garden. Therefore, it is considered on balance to demonstrate a suitable dependency on the main dwelling and therefore the proposal is considered as an annexe to the dwelling, and not a new separate unit.
- 9.17. The Council considers that the retention of the floor layout as submitted is crucial to its acceptability and therefore a condition will be attached to secure this, and to ensure the annexe does remain ancillary to ensure it does not form an

inappropriate separate unit of accommodation, and to protect residential amenity and the character of the area.

Impact on Amenities

- 9.18. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.19. The extension would be set away approximately 1.3 metres from the common boundary with no. 24 Eley Crescent to the north and 2.5 metres from the dwelling itself, at a diagonal angle, ensuring a substantial distance between both. This significant setback not only maintains spatial separation but also mitigates potential overshadowing impacts. Moreover, the modest height of the proposed extension further mitigates any potential impacts in terms of loss of light and visual outlook for the adjacent property.
- 9.20. The rear extension would be set away approximately 6 metres from the neighbouring dwelling at no. 20 Eley Crescent. Given that it would be well set back from the neighbouring property, being also separated by that dwelling's driveway and garage, no substantial impacts are expected to occur.
- 9.21. The annexe would replace the existing garage and the new apertures created are not considered to impact neighbours.
- 9.22. The new dormer would increase potential overlooking in excess of that already existing from the property. However, due to the high density of residential properties and small rear amenity areas, the location is characterised by a high degree of mutual overlooking and the potential increase from these works is not considered excessive over that already exhibited.
- 9.23. The new rooflights would be angled far away from neighbours and would provide skyward views, therefore, no impacts are expected to occur.
- 9.24. The new side windows would serve a kitchen and the lounge area would not create any harmful views beyond the pre-existing fenestration and are considered to be acceptable.
- 9.25. It is considered that for the reasons set out above, the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

Standard of Accommodation

- 9.26. The proposal to convert the existing garage facilitates the provision of additional residential accommodation. It would benefit from sufficient outlook and natural light via the proposed window and doors. It would have an approximate internal floor space of 23m². The space created would therefore be in general accordance with CPP2 Policy DM1.

- 9.27. The alterations to the loft would provide an additional bedroom that would meet the minimum floorspace standards of 11.5sqm and minimum width. It would also provide an additional shower room.
- 9.28. The proposed rear extension enlarged the existing ground floor habitable space for the dwellinghouse, which would improve the overall floorspace and standard of accommodation.
- 9.29. The alterations would therefore comply with policy DM1 of City Plan Part Two.

Other Matters

- 9.30. A condition to secure cycle parking would be attached to mitigate the loss of storage within the garage.
- 9.31. Matters such as loss of property value and the impact of construction works are not material planning considerations.

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.

PLANNING COMMITTEE

Agenda Item 110

Brighton & Hove City Council

NEW APPEALS RECEIVED 07/03/2024 - 03/04/2024

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2023/00622

26 Church Road Hove BN3 2FN

Installation of 2no. air extraction systems comprising canopy, extractor duct, silencer and exhaust air cowl and 2no. fresh air systems with high pressure fan to rear elevation. (Retrospective)

APPEAL IN PROGRESS

18/03/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

COLDEAN & STANMER

BH2023/02278

14 Standean Close Brighton BN1 9EU

Prior Approval for the erection of an additional storey.

APPEAL IN PROGRESS

12/03/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

KEMPTOWN

BH2023/02171

9 - 10 St James's Street Brighton BN2 1RE

Application to remove condition 3, 4 and 5 of planning permission BH2021/01276 to permit 24 hour opening hours.

APPEAL IN PROGRESS

03/04/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM & HOLLINGBURY

BH2023/01928

29 Wilmington Way Brighton BN1 8JH

Erection of 1no detached, two storey, two bedroom house (C3) including a lower ground floor, fronting Mayfield Close.

APPEAL IN PROGRESS

13/03/2024

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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

PLANNING COMMITTEE

Agenda Item 112

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/03/2024 AND 23/04/2024

<u>WARD</u>	CENTRAL HOVE
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00057
<u>ADDRESS</u>	Garage To Rear Of 39 St Aubyns Hove BN3 2TH
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use of building as craft club (F2).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02678
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00098
<u>ADDRESS</u>	15 Victoria Terrace Hove BN3 2WB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use for basement flat from use Class E to use Class C3 to include new side door access.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/01970
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00001
<u>ADDRESS</u>	1 - 2 George Street Hove BN3 3YA
<u>DEVELOPMENT DESCRIPTION</u>	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.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/03829
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****PATCHAM & HOLLINGBURY**

APL2024/00009

30 Highfield Crescent Brighton BN1 8JD

DEVELOPMENT DESCRIPTION

Part demolition and part extension of existing shed at rear of property, extension of raised decking and addition of new raised deck area, access steps to the garden and revised fenestration. (part retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2023/01198

APPLICATION DECISION LEVEL

Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****QUEEN'S PARK**

APL2024/00017

29 West Drive Brighton BN2 0QU

Alterations to front driveway layout, boundary, retaining walls, landscaping and removal and replacement of tree in front garden.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2023/02100

APPLICATION DECISION LEVEL

Delegated