

Planning Committee

Date: **6 November 2024**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Acting Democratic Services Manager
01273 290569
shaun.hughes@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through
ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper.

AGENDA

28 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.

29 MINUTES OF THE PREVIOUS MEETING

7 - 24

Minutes of the meeting held on 2 October and 22 May 2024.

30 CHAIR'S COMMUNICATIONS

31 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 31 October 2024.

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

33 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications are usually 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 4 working days before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be **received by 12 noon the preceding Thursday**).

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 may be elected by communal consent to speak for all).

MINOR APPLICATIONS

A	BH2024/00798 - Tennis Courts, Dyke Road Park, Dyke Road, Hove - Full Planning	25 - 40
B	BH2024/01649 - 20 Denmark Villas, Hove - Full Planning	41 - 52
C	BH2024/01452 - Site of 239 to 243 Kingsway, Hove - Full Planning	53 - 68
D	BH2024/00673 - 214 Preston Road, Brighton - Full Planning	69 - 92
E	BH2024/01946 - Roedean House, 14 Roedean Way, Brighton - Full Planning	93 - 112

INFORMATION ITEMS

34 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **113 - 116**

(copy attached).

35 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this meeting.

36 APPEAL DECISIONS

117 - 120

(copy attached).

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

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

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting. Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer, and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

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

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Date of Publication - Tuesday, 29 October 2024

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 OCTOBER 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Matthew Gest (Planning Team Leader), Ben Daines (Planning Team Leader), Katie Kam (Lawyer), Mark Thomas (Senior Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

19 PROCEDURAL BUSINESS

a) Declarations of substitutes

19.1 Councillor Fishleigh substituted for Councillor Earthey.

b) Declarations of interests

19.2 Councillor Fishleigh stated they took their children some 20 years ago to a swimming pool at or in the vicinity of item C: BH2024/01184: 32 Varndean Gardens, Brighton. The councillor was not sure if it was the same one, however, they remained of an open mind in relation to the application.

c) Exclusion of the press and public

19.3 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.

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

d) Use of mobile phones and tablets

19.5 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'.

20 MINUTES OF THE PREVIOUS MEETING

20.1 **RESOLVED** – The minutes of the meeting held on 4 September 2024 were agreed.

21 CHAIR'S COMMUNICATIONS

21.1 There were none for this meeting.

22 PUBLIC QUESTIONS

22.1 There were none for this meeting.

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

23.1 There were no site visits requests.

24 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

24.1 All agenda items were called for discussion.

24.2 Item D: BH2024/01452: Site of 239 to 243 Kingsway, Hove was withdrawn after the agenda was published.

A BH2023/02994 - 38 Cheltenham Place, Brighton - Full Planning

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

Answers to committee Member Questions

2. Councillor Shanks was informed that the property had been occupied until 1993, it was not a House of Multiple Occupancy (HMO) and the proposed rooflights would be fixed shut and for light only.
3. Councillor Theobald was informed there had been some openings in the roof in the past and the height would be unchanged. The reasons for the withdrawal of the previous planning application for a 13 bed HMO were not known. It was noted that planning permission would be required for an HMO and the building was currently vacant.
4. Councillor Shanks was informed that conservation rooflights sit in the slope of the roofscape and do not protrude.

Debate

5. Councillor Theobald considered the proposals better than the existing structure and it would be an improvement. The councillor supported the application.

6. Councillor Robinson considered the application to be an improvement. The councillor supported the application.
7. Councillor Allen noted they had visited the site and considered the proposals an improvement. The councillor supported the application.
8. Councillor Thomson considered the city was short of housing and therefore supported the application.
9. Councillor Winder considered the building looked as if it would fall down. The councillor noted the minor improvements and supported the application.

Vote

10. A vote was taken, and the committee agreed unanimously to grant planning permission.
11. **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.

B BH2024/01772 - 65 Ladies Mile Road, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. Michelle Graham addressed the committee as a resident and stated that they lived next-door to the application site, and they would be adversely impacted by the proposals. The HMO article 4 direction is not relevant to the application. The difference between a family and nine individuals living in one home is spelt out in paragraph 2.58 of the City Plan Part Two. We are likely to suffer noise pollution. Comings and goings, and social events are likely to be more frequent. Previous decisions have refused 8 persons living together. The more occupants the more likely the noise and disturbance to a material degree. Granting permission would be contrary to policy QD27. The intensification of use will cause harm. Granting permission would also be contrary to policy CP14 as the character of the area is family housing. The proposals will cause harm to the health and wellbeing of the adjoining and other neighbours. I urge the council to refuse the scheme robustly.
3. Ward Councillor Meadows addressed the committee and stated that parking in the area is atrocious, and the conversion would set a dangerous precedent for more Houses of Multiple Occupancy (HMO) and AirBnB's. The application site could be turned, once an HMO, into an AirBnB which the council would have no control over. Who will monitor the number of occupiers. Policy DM20 of City Plan Part Two states that planning permission would not be granted when it would cause a material nuisance. The increase in noise level would be detrimental to the neighbours. The differing lifestyles have not been considered appropriately. The application is for nine persons; however, the new layout could accommodate 13 persons. The neighbours will not know who to contact if problems arise. The proposals are contrary to City Plan policies CP14 and QD27 and the loss of family homes should be resisted, as should AirBnB's.

Answers to committee Member Questions

4. Councillor Shanks was informed that there is no controlled parking zone in the area, however there are some restrictions around schools and some double yellow lines.
5. Councillor Fishleigh was informed that the property had been illegally subdivided into two units and an enforcement notice was served in 2015. The owners have complied and rearranged into a single unit.
6. Councillor Theobald was informed that there were two ensuite bathrooms on the ground floor. The policies referenced were in the old city plan, however, the matters raised were still relevant and any complaints would be dealt with by the enforcement team. With reference to parking, it is noted that it is congested in the area at school drop off and pick up times. The councillor was informed that a noise assessment could be requested.
7. Councillor Robinson was informed that it would be hard to condition that the owners contact details be available for neighbours to use in case of noise nuisance. Councillor Loughran noted that the Land Registry would hold the contact details of the owners. It was noted that a sound proofing condition would be hard to quantify.
8. Councillor Thomson was informed that if the property were to be sold with permission, this was not relevant to the application.
9. Councillor Shanks was informed that sound proofing did not form part of the application.
10. Councillor Loughran was informed that policy QD27 was no longer relevant. The councillor noted that the new policy towards licensing HMOs was very stringent.
11. Councillor Winder was informed that the kitchen was not next to the party wall and was considered large enough for 7 persons.

Debate

12. Councillor Theobald considered the location to be unsuitable, as it was close to two schools. Concerns regarding noise, refuse collection, and parking were expressed, and the application would change the area. There were no HMOs in the area, which meant this was the wrong area. The proposals would be terrible for the next-door neighbour. The councillor was against the application.
13. Councillor Fishleigh considered the application for 7 persons was too big. The councillor was against the application.
14. Councillor Robinson supported the application as more homes were needed and HMOs were not just for students.
15. Councillor Thomson supported the application as more rental properties were needed.
16. Councillor Shanks considered that HMOs and residential accommodation were required. The councillor requested that a noise condition be considered.

17. Councillor Loughran supported the application as they considered the property to be in a good location for an HMO. The rooms were split up on different levels, and 7 persons was good for this large property. The councillor did not consider this to be a major change.
18. Councillor Theobald proposed a motion to add a noise assessment condition. Councillor Shanks seconded the motion. The wording would be delegated to the planning officers.

Vote

19. A vote was taken on the additional condition and was agreed unanimously.
20. A vote was taken on the application and by 7 to 2 the committee agreed to grant planning permission.
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

C BH2024/01184 - 32 Varndean Gardens, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Answers to committee Member Questions

2. Councillor Thomson was informed that there would be a maximum of 5 children per training session and total lesson time would be 4 hours per day and 4 days a week.
3. Councillor Robinson was informed by the applicant that pool was a 1980s build, with a wide door and level access and there was no teaching for physically impaired persons. Special needs and other children attend at any time.
4. Councillor Nann was informed that there was a maximum of four hours per day used for lessons and 3 cross overs were possible both in the morning and afternoon (resulting in a potential total of 6 cross overs per day).
5. Councillor Shanks was informed that the pool build would require planning permission; however, the build had existed for decades, and no action could be taken after 4 years.
6. Councillor Theobald was informed by the applicant that there was one parking space on the driveway. It was noted that no complaints had been received regarding parking and any inconsiderate parking was dealt with straight away.
7. Councillor Thomson was informed that the applicant owned the pool and rented it to the swim school.
8. Councillor Winder was informed by the applicant that parents of babies stay for the duration of the lesson. It was noted there would be a maximum of 40 visits per day.

9. Councillor Loughran was informed by the applicant that they operated for 39 weeks a year with 160 visits per week. It was noted there were double yellow lines and some parking bays in the street. The applicant stated they encouraged sustainable transport and there was cycle parking on site.

Debate

10. Councillor Theobald considered the build to be ugly outside and good inside. It was noted there were hardly any complaints, and this was a good facility for learning to swim. The councillor supported the application.
11. Councillor Robinson considered the lack of disabled access to be an issue.
12. Councillor Thomson supported the application.
13. Councillor Shanks noted the use had been going on for some time and there were no grounds to refuse the application.
14. Councillor Nann supported the application and considered learning to swim to be good. It was noted that disability swimming lessons would be given by specialist.
15. Councillor Winder expressed concerns relating to parking and disabled access, which they considered could be improved. The councillor did however support the application.
16. Councillor Loughran noted the intensification of use with 160 visits per week, which was considered a lot for the quiet street. The application would cause significant harm to the neighbours' amenities.

Vote

17. A vote was taken and by 6 to 3 the committee agreed to grant planning permission.
18. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

D BH2024/01452 - Site of 239-243 Kingsway, Hove - Full Planning

1. The application was withdrawn after the agenda had been published and was therefore not discussed at by the committee.

25 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

26 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 26.1 There were none for this meeting.

27 APPEAL DECISIONS

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

The meeting concluded at 3.46pm

Signed _____ Chair

Dated this _____ day of _____

BRIGHTON & HOVE CITY COUNCIL
PLANNING COMMITTEE
14.00pm 22 MAY 2024
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES

Present:

Councillors: Loughran (Chair), Allen (Deputy Chair), Miller (substitute), Earthey (substitute), Nann, Robinson, Shanks, Theobald, Thomson and Galvin.

Officers:

Chris Swain (Team Leader), Jane Moseley (Planning Manager), Helen Gregory (Senior Planning Policy Officer), Colin Bannon (Heritage Officer), Andy Renaut (Head of Transport Policy & Strategy), James Pearce (Principal Transport Development Officer), Katie Kam (Senior Lawyer), Alison Gatherer (Lawyer).

113 Procedural Business

a) **Declaration of Substitutes**

Councillor Miller substituted for Councillor Robinson
Councillor Earthey substituted for Councillor Fishleigh

b) **Declaration of Interests**

There were no interests declared.

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

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.

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

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

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'.

114 Minutes of the previous meeting

- 114.1 The minutes of the meeting held on 8 May 2024 are to be circulated with the 5 June 2024 agenda.

115 Chair's Communications

- 115.1 The chair provided an outline of the procedure of the meeting.

116 Public Questions

- 116.1 There were none.

117 To agree those applications to be the subject of site visits

- 117.1 There were no requests for site visits to items on the agenda.

118 To consider and determine planning applications

- 118.1 The Chair called the application on the agenda to the committee. As there was only one application, it was automatically called for discussion.

119 BH2021/04167 - BRIGHTON GASWORKS LAND BOUNDED BY ROEDEAN ROAD (B2066), MARINA WAY AND BOUNDARY ROAD, BRIGHTON - FULL PLANNING

- 119.1 The Planning Manager, Team Leader and Senior Planning Policy Officer introduced the application to the committee.
- 119.2 Speakers:
- 119.3 Marie Sansford addressed the committee as a resident in opposition to the development and member of Action on Gasworks Housing Safety, Affordability & Transparency (AGHAST), stating that they represent more than 1000 people who live or work near the development site. The resident stated that AGHAST had been campaigning for four years to prevent development on the site and that former gas works should only be developed when not in residential areas. Concerns were raised regarding the development being too contaminated for development. The resident raised concerns regarding the brownfield policy, stating it did not yet have mechanisms for assessing the degree of contamination of former industrial sites. Marie expressed concern that risk assessments had been conducted by the remediation industry without medical or independent oversight. The resident requested the committee to fully consider Professor Roy Harrison's independent report on contamination and air quality provided by AGHAST. The resident shared DEFRA guidance that stated, 'local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk'.
- 119.4 Stephen White addressed the committee as a resident in opposition to the development, stating that 1700 objections had been received and expressed that the concerns of the community had been ignored despite best efforts to engage with the planning process. Stephen stated that City Plan guidelines originally envisaged the site as suitable for 85 dwellings, not as a site where buildings of over 6 storeys would be permitted. The resident further stated that the design was out of keeping with the area, as defined by the National Planning Policy Framework. Concerns were raised regarding the provision of parking. The resident claimed that more than 200 jobs currently provided by the site would be lost as a result of development and shared that noise, dust, and the release of toxins into the

atmosphere were material planning considerations upon which the application could be refused. The resident also raised concerns regarding apartment blocks acting as wind-tunnels.

- 119.5 Beccy East, representing the Brighton Gasworks Coalition which includes AGHAST, addressed the committee as a resident in opposition to the development, stating that all 23 amenity organisations of the coalition supported housing on the site, but not tower blocks. The resident stated that a planning expert was commissioned to examine the officer's report and noted omissions. The resident raised concerns regarding the provision of services including community, education, and health facilities, stating that there was no evidence of a formal assessment of the local needs for such services that will arise as a result of development of the site and questioned why this had not been provided. The resident stated that the developer apportioned fees and profits incorrectly and fail to mention that they will make 50% profit on remediation costs.
- 119.6 Councillor Gill Williams addressed the committee in opposition to the development, reading a letter from a resident that raised concerns regarding the toxic nature of the contaminated site. The resident's letter informed the committee that a young relative had passed away recently as a result of toxic waste and iterated the resident's concern that a similar incident could occur a result of the site being developed. Councillor Williams drew attention to recent scandals and stated that they did not want the same to happen as a result of the committee allowing the site to be developed on contaminated ground. They highlighted that they did not have confidence in the safety provisions of the development as there was not enough evidence of the effects of the decontamination process. Councillor Williams stated that while they support increasing provision of housing in the city, they did not believe that the development would add to the city's housing supply, expressing that it would add instead to developer's profits and empty housing numbers. Councillor Williams also expressed that the design of the development was not in keeping with the local area and raised concerns regarding the developer's assurances to make 'reasonable endeavours' to provide affordable housing.
- 119.7 Ashley Spearing addressed the committee on behalf of the applicant, stating that the redevelopment of the gasworks presented an opportunity to provide 495 homes with almost 3000 square metres of commercial floorspace on a sustainably located site. They provided an overview of the Berkeley Group and the work it had conducted on gas works sites. The applicant provided reassurances to residents concerned about contamination, stating that the Berkeley Group was presently developing 28 former gas works sites in the UK and that the Brighton Gas Works site was less contaminated than others and had already been partially remediated in 2003. The applicant recognised that residents sought clarity regarding how further remediation work would be undertaken and shared that work had been accelerated with specialist remediation and air quality consultants to develop detailed strategies on how the site would be remediated. The agent stated that the Berkeley Group recognised the need for affordable housing in the city and shared that the developer had worked with Homes England over several years to find alternative ways of delivering affordable homes on the site.
- 119.8 Matt Richardson of Sovereign Network Group addressed the committee on behalf of the applicant, stating that the mix and quality of homes, as well as their sustainability credentials, presented an opportunity to provide affordable housing in the city. They stated that, as a strategic partner of Homes England, the Berkeley Group had access to funding that could be used to fund additional affordable homes not secured through the planning permission. They stated that they were committed to working with St William to secure funding to deliver 40% affordable homes and urged the planning committee to grant planning permission for the development.

- 119.9 James Everett, of EPR Architects, addressed the committee on behalf of the applicant stating that they had been working in the city for many years as a lead designer for Brighton Gas Works and had stated that they had worked closely with townscape and conservation consultant Richard Coleman. James Everett stated that the proposals had come about over four years of positive dialogue and collaboration with Council officers, statutory consultees, and design review panels, explaining that proposals had been refined to respond to public feedback. The agent stated that the developer had been mindful of the potential for impacts on heritage and stated that a priority had been placed on protecting views from Lewes Crescent as well as other strategic views within the city. The agent stated that over 50% of the site was dedicated to the public realm and green spaces and provided further information on the amenities that would be provided on the site. The agent stated that the schemes architecture had been drawn from the city's character and heritage, noting the reinterpretation of white stucco Regency architecture as well as a cluster of buildings drawing on the sites industrial heritage and further stating that the designs align with the National Design Guide.
- 119.10 Imogen Blanning, Senior Development Manager for St. William, addressed the committee on behalf of the applicant, stating that they believed the planning balance weighed heavily in favour of granting planning permission. They cited that all infrastructure and environmental matters had been agreed with Council officers, as well as wind safety and comfort concerns being agreed by the Council's microclimate consultant. Imogen Blanning also outlined the benefits the development would provide to the public realm by providing off-street parking, walking, and cycling connections and community spaces dedicated to food-growing and recreation. They stated that the 2000 square metres of dedicated employment floor space would provide up to 195 new jobs and that landscape proposals would provide an increase in biodiversity net gain of over 1800%.
- 119.11 Member questions:
- 119.12 Cllr Theobald sought clarification regarding the wording of "reasonable endeavours to provide affordable housing" and questioned whether there would be a commuted sum of affordable housing and whether this was a guarantee. Cllr Theobald also questioned whether the historic wall could be preserved during development. Cllr Theobald drew attention to the South Downs National Park Authority's concerns regarding lighting impact and questioned why this was not addressed in the application.
- 119.13 The Planning Team Leader explained that due to the viability assessment, no affordable housing could be required in the legal agreement, health facilities were not something that could be required as part of the application because they were delivered by the NHS, and there is a lighting condition. They noted that the retention of the flint wall had been considered but was not feasible with the road upgrade needed.
- 119.14 Cllr Shanks was informed that specific leaseholder agreements would prevent individuals from using homes on the site for AirBnB.
- 119.15 Cllr Nann was informed by the Legal Advisor the definition of 'reasonable endeavours' and how it would have to be demonstrated by the developer that they had met the criteria set out in the Section 106 agreement. Ashley Spearing provided additional information regarding the definition, stating that it was drafted by Homes England to ensure they could fund the scheme without a s106.
- 119.16 Cllr Thomson was informed that the application was policy compliant without affordable housing and that the provision of affordable housing was a material consideration.

- 119.17 Cllr Thomson was informed that residents would be given the option of purchasing a parking space at the time of property purchase.
- 119.18 Cllr Galvin was informed that the scheme would be tenure blind. Cllr Galvin was also informed that Homes England funding for affordable housing required to make a scheme acceptable via a s106 agreement could not be secured outside of London.
- 119.19 Simon Croft, District Valuation Service (DVS), acting as the Council's independent viability consultee explained that the application had also been assessed for affordable housing twice before the current iteration and it was determined that the scheme could not viably deliver any affordable housing.
- 119.20 The Planning Manager stated that the site was Community Infrastructure Levy (CIL) exempt.
- 119.21 Cllr Allen was informed that the policy adopted in City Plan part 1 DA2 allocated approximately 2000 square metres of employment floor space and a minimum of 85 housing units to the site. Cllr Allen was informed that the site would always have an estate management presence, and that visitors would need to make arrangements with the concierge to receive visitor access to the sites gated carparks. Cllr Allen was also informed that parking spaces would likely be initially allocated to larger housing units on the site, but that the decision would ultimately be taken by the sales and marketing team.
- 119.22 Imogen Blanning stated that both the Council and the developer had consulted wind specialists that had concluded that the site would be both comfortable and safe.
- 119.23 Cllr Miller raised concerns regarding visitor parking and questioned how visitors' spaces would be allocated, citing further concerns about accessibility and equalities implications.
- 119.24 Brendan Weaver, the applicant's Transport Adviser explained that 6.4% of dwellings would have blue badge parking facilities and explained how visitors' parking permits would be allocated.
- 119.25 Cllr Miller stated that 25% of dwellings would have less than two hours of sunlight and questioned how dark those dwellings would be. Cllr Miller was informed that those 25% of dwellings would still receive adequate daylight.
- 119.26 The Planning Team Leader provided further information on the technical differences between sunlight and daylight.
- 119.27 The Chair was informed that the total sunlight level of the development would be decreased by dwellings that were north facing, and those positioned directly below a balcony.
- 119.28 Cllr Thomson sought reassurances on residents' concerns regarding their health during the development of the contaminated site.
- 119.29 The Planning Manager stated that the Council had an external LEAP Environmental / RSK Group) who acted as the local authority Environmental Health Team in respect of land contamination issues and had verified the information provided by the applicant, confirming they were satisfied that the scheme could be delivered.
- 119.30 The agent stated that stakeholders such as AGHAST had been consulted, that a preliminary risk assessment had been submitted and a detailed site investigation was delivered utilizing historic investigations and recent quantitative risk assessments. The agent stated that risks to groundwater had been assessed and that a comprehensive Odour and Air Quality Management Plan had been developed.

- 119.31 Gary Marshall, on behalf of the applicant stated that the gas production was limited in scope and only took place in the south-west corner of the site. Gary Marshall stated that the three tanks in the south-west corner that were contaminated were excavated in 2003. They further stated that the site was not a typical gas works due to its smaller size and the fact that the most contaminated part of the site had previously been remediated, stating that the site was now predominantly a brownfield site with typical levels of sub-demolition material.
- 119.32 Sarah Horrocks, on behalf of the applicant, stated that they had developed a comprehensive Air Quality and Odour Management Plan that had been reviewed by the Council's external Environmental Health consultants and had been updated on several occasions. They understood concerns over health and stated that while there was a low risk of contamination from the site, a comprehensive monitoring scheme would be secured to continually monitor both on site and off site.
- 119.33 Imogen Blanning for the applicant stated that several meetings had been held with AGHAST to inform them of plans and strategies to monitor air quality. They also acknowledged the importance of keeping residents involved and up to date on the applicant's proposals.
- 119.34 Emma Hellowell, the Council's Contaminated Land Consultant agreed with the agent that the site was different from other gas work developments as it had been used for a much shorter period of time and was more similar to a brownfield site. They stated that the Air Quality and Odour Management Plan was very welcome in addressing the concerns of local residents.
- 119.35 Marie Sansford for AGHAST stated that two meetings were held in August 2023 attended by members of AGHAST and the applicant but stated that before the meetings the developer had refused to provide their remediation strategy. Marie Sansford expressed wider concerns about the health of local residents as a result of contamination.
- 119.36 Emma Hellowell for the Council stated that a remediation method statement or odour management plan could not be provided at the early-stage Marie Sansford mentioned.
- 119.37 Cllr Allen questioned why residents did not trust expert advice that had been provided. Stephen White stated that they trusted the experiences of local residents relating to sites elsewhere and articles in the media on the matter.
- 119.38 Cllr Galvin stated that the south-western corner of the site contained up to 18 metres of underground cracked porous chalk where potential contamination would only be discovered on excavation and requested further information from the developer.
- 119.39 Gary Marshall for the applicant stated that over time tar had leaked directly downwards through the chalk but that this did not affect human health as there was no exposure pathway for contaminants. Gary Marshall stated that the assessment of this contamination pertained to ground water quality, and that assessments of ground water quality indicated that microorganisms would bioremediate such contaminants. It was also stated that Environment Agency assessments in 2003 and 2017 concurred that there was no risk to the environment based upon contaminated materials being left at depth.
- 119.40 Cllr Galvin questioned what would happen if further contamination were to be discovered during excavation. Jane Moseley informed Cllr Galvin of conditions that would address these concerns.
- 119.41 Cllr Earthey questioned why the Council only reviewed the applicants test results rather than carrying out its own, citing concerns of unintentional bias. The Planning Manager explained the standards that chartered members of environmental institutes must adhere to and noted

that the planning process relied on applicants carrying out their own tests in accordance with an agreed methodology in agreed locations which was then reviewed by our own experts.

- 119.42 Cllr Miller was informed that most contamination was located in the first 1.5m of ground chalk.
- 119.43 The Planning Manager drew attention to condition 5, stating that a Foundation Works Risk Assessment would need to be submitted.
- 119.44 The Planning Team Leader stated that while the development was dense, it was not as dense as many other recent developments within the city.
- 119.45 Mike Davies from AGHAST and the Conservation Advisory Group (CAG) stated that the neighbouring dwellings were a fifth as dense as the proposed development and cited clause 130 of the NPPF. Mike Davies further stated that Marine Gate was half as dense as the proposed development.
- 119.46 Cllr Miller raised concerns about the quantity of development on site and was informed that extensive verified visuals from agreed viewpoints were available within the planning application submission showing the proposed development and that a number of these had been included in the presentations circulated to councillors.
- 119.47 Cllr Thomson questioned how the food growing areas would be apportioned between 495 properties and was informed by David Ravenscroft, Andy Sturgeon Design, on behalf of the applicant that food growing plots would be available on both the northern and southern podiums and would be allocated through the tenant management system.
- 119.48 Cllr Winder was informed of the details of how food growing and nature areas would support biodiversity on the site.
- 119.49 Mike Davies raised concerns regarding the proposed development's effect on the Kemp Town estate, stating that CAG, as well as Historic England and Save Britain's Heritage, disagreed with the heritage case officer's judgement that the development would have no effect on the estate.
- 119.50 The Planning Team Leader stated that Historic England had not objected to the application.
- 119.51 Matthew Bailey, on behalf of the applicant, outlined the development's overheating strategy, citing use of passive principles to avoid active cooling. They stated that testing scenarios indicated residents would experience satisfactory levels of thermal comfort without active cooling until the 2050s. Matthew Bailey stated that shading throughout the development, as well as ejection of heat through mechanical ventilation systems, would regulate temperature.
- 119.52 Cllr Nann was informed that the development was designed to reflect the historic gas holder on site.
- 119.53 James Everett for the applicant stated that the northern quarter of the proposed development was inspired by the site's industrial history, with the southern quarters being inspired by local geography and Regency architecture. James Everett also provided a general overview of the architectural composition of the development.
- 119.54 The Chair was informed by James Everett that the Circus at the centre of the scheme would serve as the nodal point of the development where varying architectural characteristics would meet.

- 119.55 The Chair was informed that the gas pipeline would go through the circus and follow the yard.
- 119.56 Cllr Thomson was informed that 2000 square metres of the commercial floorspace would be conditioned for employment generation. This would be in addition to retail space.
- 119.57 Cllr Miller cited Section 135 of the National Planning Policy Framework (NPPF) and expressed concerns that the development would not relate to its surroundings.
- 119.58 The Planning Team Leader stated that an independent design review had been conducted and that the development did not necessarily have to match the appearance and character of its surroundings to be appropriate in design terms.
- 119.59 Debate:
- 119.60 Cllr Theobald thanked officers for their work and stated that while there were many aspects of the development that they favoured, the excessive height of the scheme as well as the lack of a definitive affordable housing scheme would prevent them from voting in favour of the application.
- 119.61 Cllr Nann was informed that while affordable housing could be a material consideration in planning applications, the development under discussion was policy compliant without affordable housing as it had been concluded through an independently assessed Financial Viability Assessment (FVA) that the scheme could not viably provide affordable housing.
- 119.62 Cllr Allen stated that harm to the view from Sussex Square would be limited and expressed satisfaction with the remediation plan and welcomed the decontamination of the site. Cllr Allen emphasised the importance of air monitoring in and around the site. Cllr Allen felt that their concerns regarding parking, visitor parking and public engagement had been answered and alleviated and stated that they were leaning in favour of the application.
- 119.63 Cllr Shanks expressed agreement with Cllr Allen and stated that they could not reasonably oppose building on a brownfield site that needed development. Cllr Shanks emphasised the importance of monitoring contaminants and stated that they would be voting in favour of the application.
- 119.64 Cllr Miller expressed their approval of the sustainability measures in place for the development and stated their approval of remediation works. Cllr Miller criticised the quality of the design and the mix of housing on offer, stating that the application did not address the cities need for more family homes.
- 119.65 Cllr Thomson stated that while the developer had responded well to the questions of the committee, they also had a duty to address the concerns of residents. Cllr Thomson expressed their concern regarding provision of affordable housing but felt that they were inclined to vote in favour of the application.
- 119.66 Cllr Winder expressed their view that the proposed development was a missed opportunity to integrate the development into the sea and Marina landscape.
- 119.67 Cllr Nann expressed that they did not feel the proposed development addressed the housing need of the city. Cllr Nann stated that while the architect's explanation of the design of the development had alleviated some of their concerns, they did not feel like the design was in keeping with the rest of the city.

- 119.68 Cllr Earthey stated that they were not completely satisfied with the science and expertise of the developer and agreed with Cllr Theobald's concerns of overdevelopment.
- 119.69 The Chair stated that they felt the north and west of the scheme were successful, but expressed concerns about light levels between blocks, stating that this was an indication of overdevelopment. The Chair stated that some blocks were too high and though they believed the scheme was workable, they expressed dissatisfaction with the scale of the development. The Chair stated that there was a failure to bring the public onboard through the consultation process before submission of the application. The Chair expressed concerns regarding the lack of family homes. The Chair stated that they were inclined to vote against the application.
- 119.70 Cllr Miller expressed concerns regarding the short distances between blocks H & G and G & F, in the centre of development, stating that this would adversely affect lighting in certain dwellings and stated that the density of the development made it difficult to decide their position.
- 119.71 Vote:
- 119.72 A vote was taken, and by 6 to 3 the committee decided against the officer recommendation to approve the application. There was 1 abstention.
- 119.73 The following draft reasons for refusal were proposed by Cllr Miller and seconded by Cllr Nann:
- 119.74 The scheme would represent an overdevelopment of the site with excessive scale, massing density and heights that are not in keeping with area and, along with the material palette, would cumulatively harm the townscape, landscape and seascape of the area and its heritage assets.
- 119.75 The housing mix of the scheme, specifically the lack of larger units, would fail to meet the identified housing need of the city, contrary to City Plan Part One, policy CP19.
- 119.76 The overdevelopment of the site and particularly the height and lack of spaces between buildings would result in an unacceptable standard of accommodation for future residents through loss of light and lack of amenity.
- 119.77 A recorded vote was taken on the draft reasons for refusal:
- Cllr Loughran – for
 Cllr Miller – for
 Cllr Winder – for
 Cllr Allen – against
 Cllr Galvin – for
 Cllr Nann – for
 Cllr Thomson - against
 Cllr Shanks – against
 Cllr Theobald - for
 Cllr Earthey - for

120 List of new appeals lodged with the planning inspectorate.

- 120.1 None for this meeting.

121 Information on informal hearings/public inquiries

121.1 None for this meeting.

122 Appeal decisions

122.1 None for this meeting.

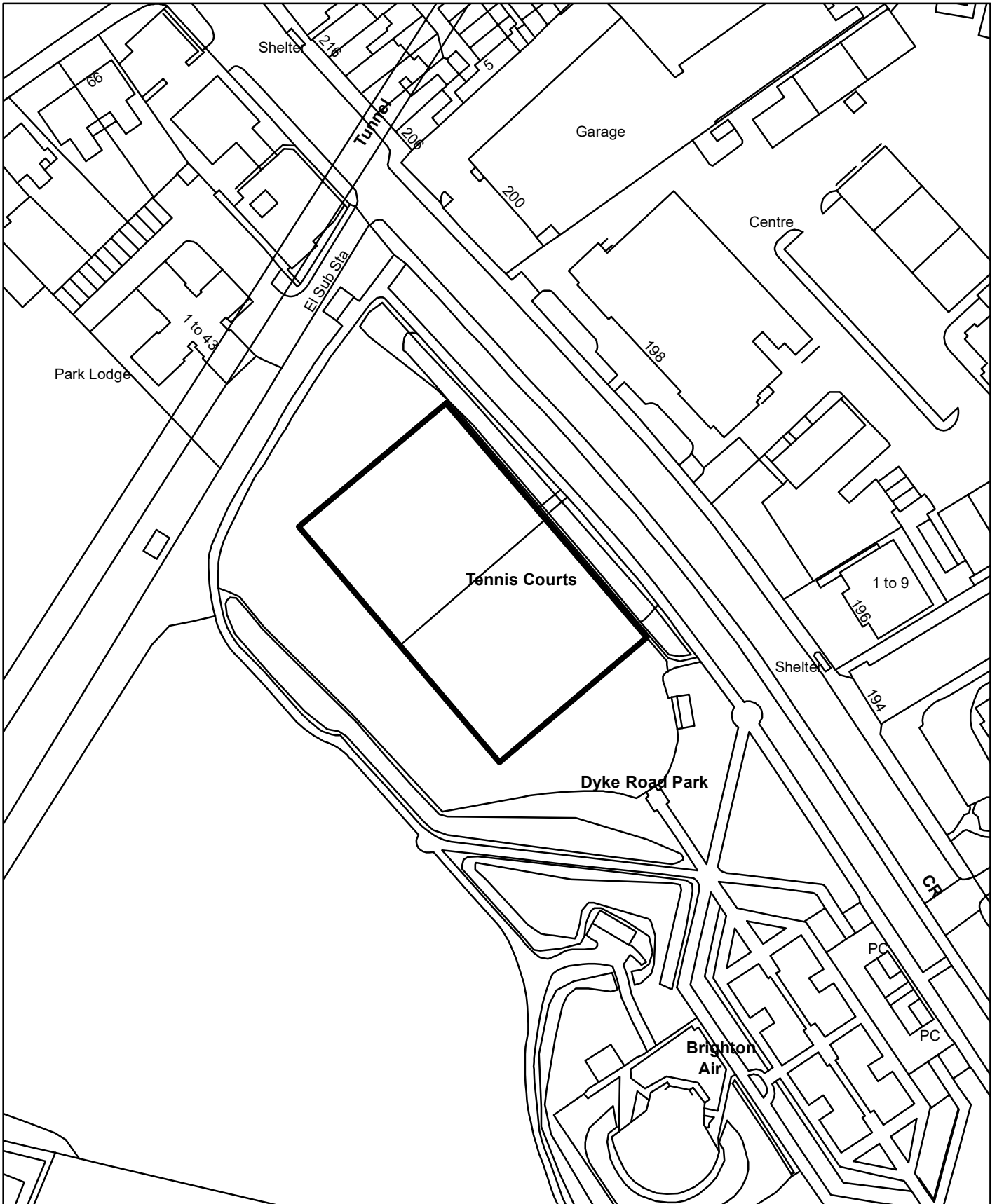
The meeting concluded at 20:26.

ITEM A

**Tennis Courts,
Dyke Road Park, Dyke Road
BH2024/00798
Full Planning**

DATE OF COMMITTEE: 6th November 2024

BH2024 00798 - Tennis Courts, Dyke Road Park



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/00798	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Tennis Courts Dyke Road Park Dyke Road Hove		
<u>Proposal:</u>	Erection of 10no 8 metre high lighting columns with 10no floodlight illuminaires to 3no existing tennis courts.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	22.04.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	17.06.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.11.2024
Agent:	Pentangle Design Group Suite 1 21 Bancroft Hitchin SG5 1JW		
Applicant:	Dyke Park Tennis Club Dyke Park Tennis Club Dyke Road Park Dyke Road Hove BN3 6NF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01		27 March 2024
Block Plan	02	C	11 September 2024
Proposed Drawing	DPTC E1		11 October 2024
Proposed Drawing	03	A	11 September 2024
Proposed Drawing	04	A	11 September 2024
Report/Statement	DYKE PARK TENNIS CLUB 400 LUX LED LIGHTING DESIGN		22 July 2024
Detail	LIGHTING DETAILS		22 July 2024
Detail	OPTIVISION GEN3_5 FAMILY DATASHEET		22 July 2024
Detail	OPTIVISION LOUVRES		22 July 2024
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL	COYNE ENVIRONMENTAL	2 July 2024
Proposed Drawing	DPTC E2		11 October 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 floodlighting hereby approved shall only be in use between the hours of 07:00 and 21:00 daily.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
4. The floodlighting units hereby approved shall be installed in accordance with the specification provided within the "DYKE PARK TENNIS CLUB 400 LUX LED LIGHTING DESIGN" document by 'Highlights Flooding Ltd' ref: Courts 1-3 received 22nd July 2024 and retained as such thereafter. At no time and under no circumstances shall the light from the floodlights hereby approved exceed a level of 2 lux vertical illuminance into the habitable room windows of adjacent residential properties.
Reason: To safeguard the amenities of occupiers of adjoining residential properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
5. All ecological measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Coyne Environmental, February 2024, received 02/07/2024) 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.
6. The proposed planting scheme detailed in the Preliminary Ecological Appraisal (Coyne Environmental, February 2024, received 02/07/2024) shall be carried out in the first planting and seeding season following the first use of the floodlights hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to 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.

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. Biodiversity Net Gain:
Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION

- 2.1. The application relates to six tennis courts which are situated towards the north-eastern corner of the Locally Listed Dyke Road Park.
- 2.2. In addition to being within the Locally Listed park, the site is located approximately 45m to the west of the Grade II Listed Booth Museum of Natural History, which is on the opposite side of Dyke Road. The site also lies within a Nature Improvement Area (N.I.A.), and an Open Space Area so policies CP10 and CP16 apply respectively.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. The application seeks approval for the erection of ten (10) floodlighting columns of 8 metres in height around the perimeter of the southern three tennis courts so that half of the existing six courts will have the capacity to be lit.
- 4.2. Since submission of the initial application, additional information and amended plans has been submitted to enable full assessment of the ecological impacts by the Ecological Officer and changes made in response to their comments, with an increase in the amount of lighting columns to 10 from 8 (but reductions in light spillage), and additions to biodiversity onsite proposed by the applicant. Due to increase from 8 to 10 lighting columns the application and plans have been fully readvertised and reconsulted with residents and consultees.

5. REPRESENTATIONS

Original Scheme: 8 Columns

- 5.1. **Objections** from **thirteen (13)** individuals have been received raising the following issues:
 - Adverse impact on listed building
 - Adversely affects Conservation Area
 - Detrimental effect on property value
 - Restriction of view
 - Additional traffic
 - Inappropriate height of development
 - Overdevelopment
 - Overshadowing
 - Noise
 - Tennis is not an entitlement
 - Dyke Road is UNESCO World Heritage Site [officer clarification: it is not].
 - Biodiversity impacts
 - Ecological harm - bats, birds, badgers, insects
 - Too close to boundary
 - Poor design
 - Light pollution
 - Site location plan omitted Park Lodge to the north
 - No public consultation held
 - Lights and tennis should stop at 9pm latest
- 5.2. **Support** from **forty One (41)** individuals has been received raising the following issues:
 - Will increase time the courts can be used
 - Improve mental and physical health of community
 - More options to enable play for adults and children
 - Improve access to participation in sport
 - Community involvement/participation would increase
 - Good design
 - Residential amenity improves

- The council has supported lights at other tennis clubs recently (The Pavilion and Avenue Tennis Club)
- Safer for walking in the area during evenings
- Increase revenue and viability of the club
- Development would improve the neighbourhood

5.3. A letter of **support** has also been received from the **Lawn Tennis Association** (LTA) on the grounds that the addition of floodlights will significantly enhance the development of the sport in the local area and provide increased access to the local community noting “The current demand for the sport indicates that there is need for increased provision. The additional playing hours created by the new facilities would allow an increased number of people from the local community to enjoy the game of Tennis in line with the LTA’s Strategy.”

5.4. A **Comment** from **one (1)** individual was received, raising the following issues:

- See benefit to users of courts
- Light pollution must be taken seriously and with proper design can be mitigated

Revised Scheme: 10 Columns

5.5. **Objections** from **two (2)** individuals have been received raising the following issues:

- Noise
- Ecological harm - bats, birds, badgers, insects
- Light Pollution
- Lights and tennis should stop at 9pm latest

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

6. CONSULTATIONS

Internal:

6.1. **Environmental Health:** No objection

The amended plans and report demonstrate that the proposed lighting columns will not result in light spillage that would affect the nearest residents if the lighting is positioned and angled as shown. Subject to proposed hours of use from 7am to 9pm.

6.2. **Heritage:** No objection (Verbal Comments)

No impacts on the intactness or integrity of the locally listed park from the proposed lighting. Slim poles and height acceptable as optimum to minimise light spill outside site and amount of lamps.

6.3. No objection as no significant harm identified. Would recommend a matt black paint finish.

- 6.4. **Sustainable Transport:** No objection subject to conditions (Verbal Comments)

Acceptable subject to the acceptable illumination levels. The proposed light columns do not obstruct visibility, and are located on private land.

External:

- 6.5. **County Ecologist:**

No objection subject to conditions

The summary details on statutory and non-statutory designated sites remains valid. The previous conclusion remains, i.e. the proposed development is considered unlikely to have any significant direct or indirect impacts on any designated sites or semi-natural habitats.

- 6.6. The design of the lighting has been amended to reduce impacts on Bats and the changes are supported. The site is unlikely to support any other protected species. Should protected species be encountered during development, all works should stop immediately and advice should be sought on how to proceed from a suitably qualified ecologist.

- 6.7. Biodiversity enhancements have been proposed and these are supported.

- 6.8. Conditions requested in respect of compliance with the submitted Preliminary Ecological Appraisal (PEA) and lighting reports to ensure impacts and mitigations assessed are implemented.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable transport

CP10	Biodiversity
CP12	Urban design
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
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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 visual impacts, including on heritage assets, the effect on neighbouring residential amenity (specifically in relation to light and noise pollution), nature conservation, transport implications and the benefit of the facilities both to the club and the community.

Principle of development

- 9.2. Policy CP17 of the City Plan Part One (CPP1) states that new sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards, optimise their accessibility and affordability to all users, including the local community and visitors.
- 9.3. In this instance the proposal would enhance existing sports and recreation facilities for the benefit of members of the tennis club and the wider community.
- 9.4. The floodlighting is proposed on three of the club's six courts and would operate, as needed, from 7am at the earliest to 9pm at the latest. The proposal would enhance the existing facilities and enable tennis to be played in the morning and evening when natural lighting is not sufficient during autumn and winter, by people who may not be able to play during the day, such as daytime workers and school children.

- 9.5. The proposal meets the requirements of policy CP17 in that it provides improved sporting facilities close to the community and has good pedestrian and cycle links. The scheme is considered acceptable in terms of the impact on the amenity of adjacent residential properties and the impact on the natural environment (as outlined below).

Design, Appearance and Heritage impacts:

- 9.6. As set out above, in addition to the site being located within the Locally Listed park, the site is located approximately 45m to the west of the Grade II Listed Booth Museum of Natural History, which is on the opposite side of Dyke Road.
- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given “considerable importance and weight”.
- 9.9. The floodlight columns are of slim design and would not look out of place within the existing courts or the wider park. The proposed material would be die-cast aluminium in a marine grade powder-coated green finish, which is considered acceptable as this would match the existing fencing to the site, and blend better with the vegetated backdrop of trees and hedges, as opposed to the black finish suggested by Heritage Officers. They would be partially screened from view by trees from the main body of the park to the southwest and from Dyke Road. There would be no impact on the settings of the listed buildings to the east as they would be separated from them by Dyke Road and its existing foliage, street furniture and lighting. It is considered that the proposed lighting columns would cause no harm to the Locally Listed park. The Council's Heritage Officer has no objections to the scheme.
- 9.10. The design and appearance of the floodlights is therefore considered acceptable, and not to be visually intrusive or detrimental to the character of the area.

Amenity Impacts:

- 9.11. Policy DM20 (Protection of Amenity) of City Plan Part Two states that planning permission for 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 not liable to be detrimental to human health.
- 9.12. Policy DM40 (Protection of the Environment and Health - Pollution and Nuisance) of City Plan Part Two states that proposals for floodlighting will be required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity.

- 9.13. The dwellings in closest proximity to the development are on the opposite side of Dyke Road at South Lodge to the east (circa 45m to front elevations from proposed lighting) and Park Lodge to the north (circa 73m to elevations from the proposed lighting). The nearest residential properties therefore have significant separation from the proposed lighting, with existing foliage also providing further screening. These properties are also already affected by street lighting and car headlights.
- 9.14. Concerns have been raised by surrounding residents that the proposed development could affect residential amenity with regard to light being emitted from the proposed floodlights and noise from the additional hours of operation. The applicant has proposed to limit the hours of use of the floodlights to the following periods only as required:
- Monday to Sunday: 07:00 to 21:00.
- 9.15. These hours are considered acceptable and will be secured via a condition, should the application be approved.

Light Spill:

- 9.16. As noted above, the site of this application is in close proximity to residential properties and some rooms have a direct line of sight to the tennis courts that are proposed to be floodlit. Therefore, the proposed installation of 10 floodlights could have some adverse impact upon residents of nearby properties.
- 9.17. Information has been submitted in the form of a Lighting Design Statement to demonstrate that the proposed floodlighting would not have a negative impact on neighbouring amenity by reason of light pollution. Lighting would be directional onto the tennis courts and the lamps would be fitted with internal louvre plates to mitigate against light spill into surrounding properties. Rear louvre plates would also assist in reducing impact of glare (visibility of the light source) to neighbouring properties. A condition is recommended to secure the particular design being proposed and to ensure that the lighting elements and any reflectors are not visible from neighbouring property.
- 9.18. Light spill from the development would be limited to 0.24 lux at the closest façade of the surrounding properties, against a maximum recommended target of between 1 and 5 lux (depending on time), for a rural location as recommended by 'Institute of Lighting Professionals, Guidance Notes on the reduction of Obtrusive Light'. For a suburban location between 2 and 10 lux is considered acceptable. The lower levels are
- 9.19. Skyglow would be negligible as the upward light ration (ULR) of light produced is assessed as 0% for the proposed design. This against a maximum recommendation of 2.5% for rural locations.
- 9.20. For reference, between 0.5 and 1 lux is around the same as that emitted by a full moon.
- 9.21. Subject to compliance with the details submitted within the lighting specification, including the installation of louvres, the development would not give rise to

significant harm to occupiers of surrounding residential properties in terms of light pollution, such to warrant refusal. The Council's Environmental Health Officer has assessed the submitted information and has no objections to the application subject to usage as proposed by the applicant and lighting assessment by condition.

- 9.22. On this basis, the impact of the new floodlights in terms of light spill to neighbouring residents is considered to be acceptable, subject to conditions restricting the hours of use and full compliance with the submitted details.

Noise:

- 9.23. There may be some additional noise and disturbance resulting from people using the affected courts over longer hours than is currently the case, however given the numbers and hours involved this is not considered to be unacceptable or to warrant refusal of the application. Hours of use of the new floodlights would be secured by condition which is considered adequate safeguard for local residents against late-night noise.
- 9.24. An informative is recommended to ensure that the applicant is aware that whilst the requisite planning permission may be granted, this does not preclude the Council's Environmental Health team from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received. Both light and noise disturbance can be considered as a statutory nuisance under the Environmental Protection Act 1990.
- 9.25. The additional activity generated from greater use of the courts is not considered to cause an unacceptable nuisance, given the limited increase in hours involved and the central location.

Ecology

- 9.26. Policy CP10 of the Brighton & Hove City Plan Part One seeks to conserve existing biodiversity, protecting it from the negative indirect effects of development, including noise and light pollution.
- 9.27. Artificial light can negatively impact bats; therefore, information has been submitted to enable assessment of the potential impacts of the proposed development on bats, and to inform appropriate mitigation, compensation and enhancement.
- 9.28. Since submission of the application, the plans have been amended to take account of comments from Ecological Officers to mitigate the impacts to protected species, particularly bats. The amendments to increase the number of columns from 8 to 10 has at the same time provided a design that would reduce the degree of light spill and total light emitted outside of the site, and therefore lowered the potential impacts on bats and foraging activities. The information now provided is satisfactory and the County Ecologist has confirmed that the proposed development is unlikely to have an impact on protected species or habitats, subject to compliance with the proposed lighting scheme and the recommendations in the supplied Preliminary Ecological Appraisal (PEA). These measures can be secured via condition.

- 9.29. In addition, the applicant is proposing biodiversity enhancements onsite which comprise the planting of five new native trees (three hornbeam and two wild cherry); planting of two areas of herbs suitable to support bees and butterflies; and the provision of two insect hotels. These are supported as is the proposed scheme from an ecological perspective.

Sustainable Transport:

- 9.30. Given the nature of the proposals and similarity to the existing situation, potentially extending playing time at half of the existing tennis courts, by means of additional floodlighting, is likely to lead to a small uplift in overall trip generation, however the Council's Highways team raises no objection in terms of impact on highway capacity or road safety. Given the above conclusions regarding light spill, there are no concerns regarding light being spilt onto the nearby carriageway.

Biodiversity Net Gain

- 9.31. This scheme was considered exempt from the need to secure mandatory biodiversity net gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990 because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.
- 9.32. In addition, it was submitted to the LPA prior to the date on which BNG was mandatory for minor sites.

Conclusion

- 9.33. The revised development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents, subject to conditions securing the measures identified in the PEA for mitigation of ecological impacts, and biodiversity improvements are provided. It is also considered beneficial to physical and mental health in terms of providing additional opportunities for the playing of tennis. For the foregoing reasons the proposal is considered to be in accordance with policies CP12, CP15 and CP18 of the Brighton and Hove City Plan Part One, and DM18, DM20, DM28, DM29, DM37 and DM40 of the City Plan Part Two.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

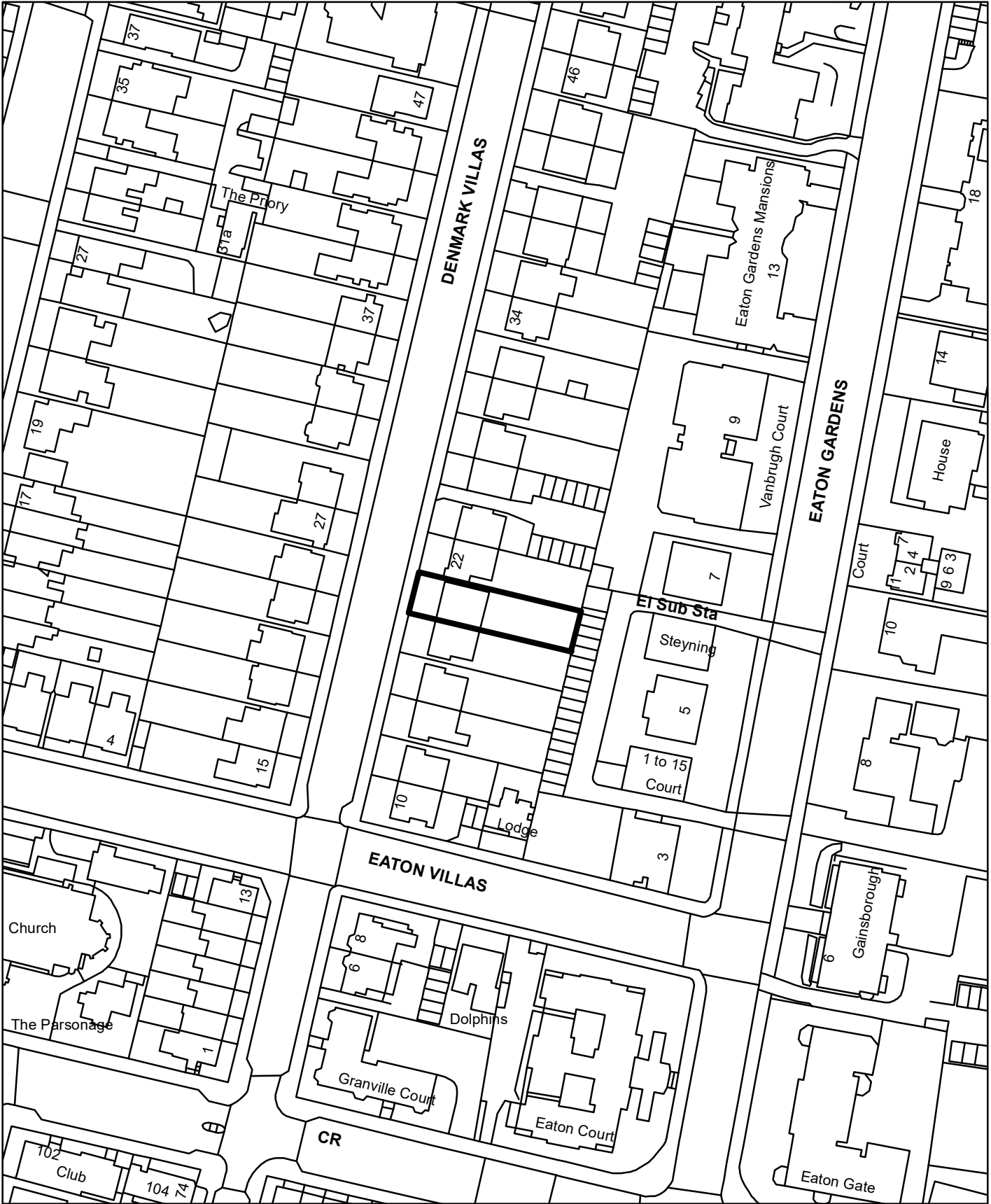
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The proposal does not impact on the existing access arrangements to the site or the courts, but through increased playing hours, has the potential to broaden opportunities for the playing of tennis to those with protected characteristics who cannot playing during the day.

ITEM B

**20 Denmark Villas
BH2024/01649
Full Planning**

DATE OF COMMITTEE: 6th November 2024

BH2024 01649 - 20 Denmark Villas



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2024/01649	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 Denmark Villas Hove BN3 3TE		
<u>Proposal:</u>	Creation of vehicle crossover and hardstanding to form off-street parking space and alterations to front boundary wall (retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	30.07.2024
<u>Con Area:</u>	Denmark Villas	<u>Expiry Date:</u>	24.09.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mr Simon Evans 20 Denmark Villas Hove BN3 3TE		

1. RECOMMENDATION

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

1. The removal of a significant part of the front boundary wall, front garden and vegetation to allow off-street parking results in a noticeable loss of the site's historic fabric and setting. It gives the curtilage of the property an overdeveloped appearance, which harms the historic character of the property and the wider character and appearance of the Denmark Villas Conservation Area. Accordingly, the proposal is considered contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26, of City Plan Part Two, and Policy 12 of the Hove Station Neighbourhood Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan			30 July 2024
Block Plan			30 July 2024
Existing Drawing			30 July 2024
Existing Drawing			30 July 2024

2. SITE LOCATION

- 2.1. The application site comprises an Italianate two-storey semi-detached dwelling of brick and tile construction with a rendered side elevation, located on the east side of Denmark Villas. The site is within the Denmark Villas Conservation Area and covered by the associated Article 4 Direction which removes some permitted development rights, and requires that planning permission is needed for minor alterations to dwellings, including the creation of hardstandings.
- 2.2. Prior to the works the subject of this application, the property featured rendered dwarf walls, pillars, and landscaped front garden areas either side of the main pedestrian access into the property. Only the wall, pillar and garden on the south side of the pedestrian access now remain.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the creation of a vehicle crossover and hardstanding to form an off-street parking space, and associated alterations to the front boundary wall.
- 3.2. The application is part-retrospective because the crossover and hardstanding are in place. The submitted drawings show that the applicant's intention is to construct a new pier on the northern side of pedestrian pathway, but this does not appear to have been undertaken to date.
- 3.3. The part-retrospective nature of the application is not a material consideration.

4. RELEVANT HISTORY

- 4.1. None for this site. In addition, there is no recent planning history (in the last 10 years) for similar development in Denmark Villas.

5. REPRESENTATIONS

- 5.1. **Fourteen (14)** representations have been received, supporting the development for the following reasons:
 - Suitable use of the space
 - Appearance and style of works is appropriate, in keeping with the building and street and Conservation Area.
 - Planting is attractive and welcoming
 - Improvement on the previous situation
 - Similar development elsewhere in Denmark Villas
 - No negative impact on adjoining residents
 - Electric charging point should be supported
 - Provides safe access for the family
 - Would not impact levels on street car parking

- 5.2. **Two (2)** representations have been received commenting on the application
- The council should remove the motorcycle parking bay
 - The dropped kerb is unnecessary.
- 5.3. **Two (2)** representations have been received objecting to the application for the following reasons:
- Would result in loss of on-street car parking

6. CONSULTATIONS

6.1. Transport No objection

6.2. Heritage Objection

The front boundary of this property and of its neighbours originally had low front boundary walls with railings between piers. In most cases the low walls and the piers survive leaving a coherent boundary frontage. Some of the properties still also have the railings, though they are not all original.

6.3. The wall should be retained or reinstated if it has been removed.

6.4. **Conservation Advisory Group (CAG) Recommend Refusal**

- The retrospective nature of this application, which attempts to cure breaches of the very clear Article 4 Direction, is regrettable.
- The loss of the wall, pier and greenery to the front garden, is also regrettable especially as this feature of Denmark Villas is specifically mentioned in the conservation area Character Statement.
- The red/brown "brick" patterned hard standing, is, in itself, harmful to the character of Denmark Villas.
- The photo provided misrepresents what is actually in place.
- We note that no permissions for other crossovers or hard standings have been granted.

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);
- Hove Station Neighbourhood Plan (made 28th March 2024).

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
CP13	Public Streets and Spaces
CP15	Heritage

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Hove Station Neighbourhood Plan

Policy 8	Design and Public Realm
Policy 12	Conservation

Supplementary Planning Documents

SPD09	Architectural Features
SPD11	Nature Conservation and Design
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

Denmark Villas Conservation Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the impact on the significance of heritage assets in the vicinity; the potential impacts on the amenities of local residents; and highway safety.

Design and Heritage

- 9.2. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the

area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".

- 9.3. These objectives are reflected in the aims of policy CP15 of the City Plan Part One, DM26 of City Plan Part 2 and Hove Station Neighbourhood Plan Policy 12 which states that developments will be expected to contribute towards the conservation and enhancement of historic environment features
- 9.4. In regard to front boundary walls, SPD12: Design Guide for Extensions and Alterations states that the removal of a front boundary wall or hedge and the development of the front garden into a forecourt for parking will be resisted "where it would have an adverse impact on visual amenity or the character of the streetscene". In addition, SPD09: Architectural Features states that "poorly considered alterations to boundaries or their partial or complete removal can have a substantially harmful impact' and ' modern car ownership and this is one of the biggest threats to the character of historic areas, where front gardens are seen as private car parks".
- 9.5. The removal of a section of front boundary wall and formation of the hardstanding creates approximately 4.5m x 2.75m of sealed area which occupies the space between the back of the highway and the front elevation of the house. The pedestrian pathway from the highway is retained in place, as is the front boundary wall and an area of courtyard garden located on the southern side of the pathway.
- 9.6. The works result in the entire section of northern part of the front of the site being covered by hardstanding. A substantial amount of front wall has been lost. The loss of a large section of front boundary wall is regrettable as it removes an original boundary treatment and results in the loss of an historic feature. A key principle of heritage policy is to retain important architectural features. Boundary walls are expressly identified as being characteristic of the area. The removal of a noticeable section of wall harms the character and appearance of the front of the property, which is highly visible from the public realm, with a resultant harmful impact on the conservation area.
- 9.7. A substantial proportion of the pre-existing garden has been lost in favour of an open-faced hard surface, provided with the specific intention of creating an additional vehicle parking space. This is a red brick surface which appears stark and gives this part of the property an overdeveloped appearance. This negative impact would be exaggerated at times when a vehicle would be parked on the newly created parking space.
- 9.8. The works neither preserve or enhance the conservation area and are in direct conflict to the conservation policies set at the national, local and neighbourhood level, and the objectives of the Article 4 Direction. The Heritage Team and the Conservation Advisory Group have both objected to the application on these grounds.

- 9.9. There are examples of similar arrangements along Denmark Villas. Most notably 14 - 24 Denmark Villas, which lie immediately to the north and south of the application site, have a similar arrangements. They all result in the loss of some of the front boundary walls in lieu of car parking. Regrettably this loss of an historic architectural feature serves to demonstrate how incremental changes can erode the historic character of streetscenes in Conservation Areas. The historic character of these properties has been severely impacted by these works. However, there is no recent planning history for these developments, many of which may have been undertaken prior to the designation of the Article 4 direction so without the need for a planning application. As such, the presence of these vehicular accesses elsewhere along Denmark Villas does not provide sufficient justification to cause additional harm to the character and appearance of the application site and the wider Denmark Villas Conservation Area. Despite representations stating that a precedence for the works has been set, given the lack of planning history, it would actually be the case that should this application be granted, an unwanted precedent would be set which would be firmly contrary to adopted policy, including the objectives of the recently made Hove Station Neighbourhood Plan.
- 9.10. Having regard to paragraph 205 of the National Planning Policy Framework (NPPF) the harm arising from the proposal to the significance of the Conservation Area would be less than substantial. However, it still causes significant harm, and any harm to a designated heritage asset requires clear and convincing justification in accordance with paragraph 206 of the NPPF.
- 9.11. Furthermore, in line with paragraph 208, such harm should be weighed against the public benefits of the proposal. Whilst noting the support received on the application, there is little public benefit from the development. Representation on the intention to install an electric vehicle charging point is noted, and this would contribute to national and local commitments to a more sustainable, low carbon emissions future. This would bring some public benefit in terms of reduced emissions. However, the weight attributed to this factor is insufficient to outweigh the harm to the character and appearance of the Conservation Area.

Transport and Highways

- 9.12. The Sustainable Transport Officer has not raised a concern in relation to the application. The scheme would result in the loss of one on-street car parking space through the creation of a cross-over to access the dwelling's new parking area. The site lies within Controlled Parking Zone N which has high on-street car-parking demand. Nevertheless, there has been no objection to the works on highway capacity grounds. It is also noted that the Parking Design and Implementation Team issued an updated consent for the works in September. However, this is a separate legislative procedure and does not prejudice the outcome of this planning application.
- 9.13. In terms of safety, the new crossover and vehicle access is not considered to result in highway safety concerns. Comments received from the public about

family safety and traffic incidents on Denmark Villas are noted, but the development is considered to have a neutral impact in this regard.

Impact on Residential Amenity

- 9.14. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.15. With regard to amenity, no significant adverse impacts are expected as a result of the development. It would result in the parking of a vehicle immediately in front of the house which would bring noise, light and disturbance closer to residents, but this is not unusual in the city, and no significant harm has been identified.

Habitats and Biodiversity

- 9.16. The creation of the hardstanding has resulted in the removal of planting in the pre-existing area of front garden. Due to the retrospective nature of the application, there is little detail on the loss of soft landscaping and regrettably the hard surface offers no habitat merit.
- 9.17. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

10. CONCLUSION

- 10.1. The development has clear conflict with local and national policy which seek to preserve the character and appearance of heritage assets. The application is therefore recommended for refusal.

11. EQUALITIES

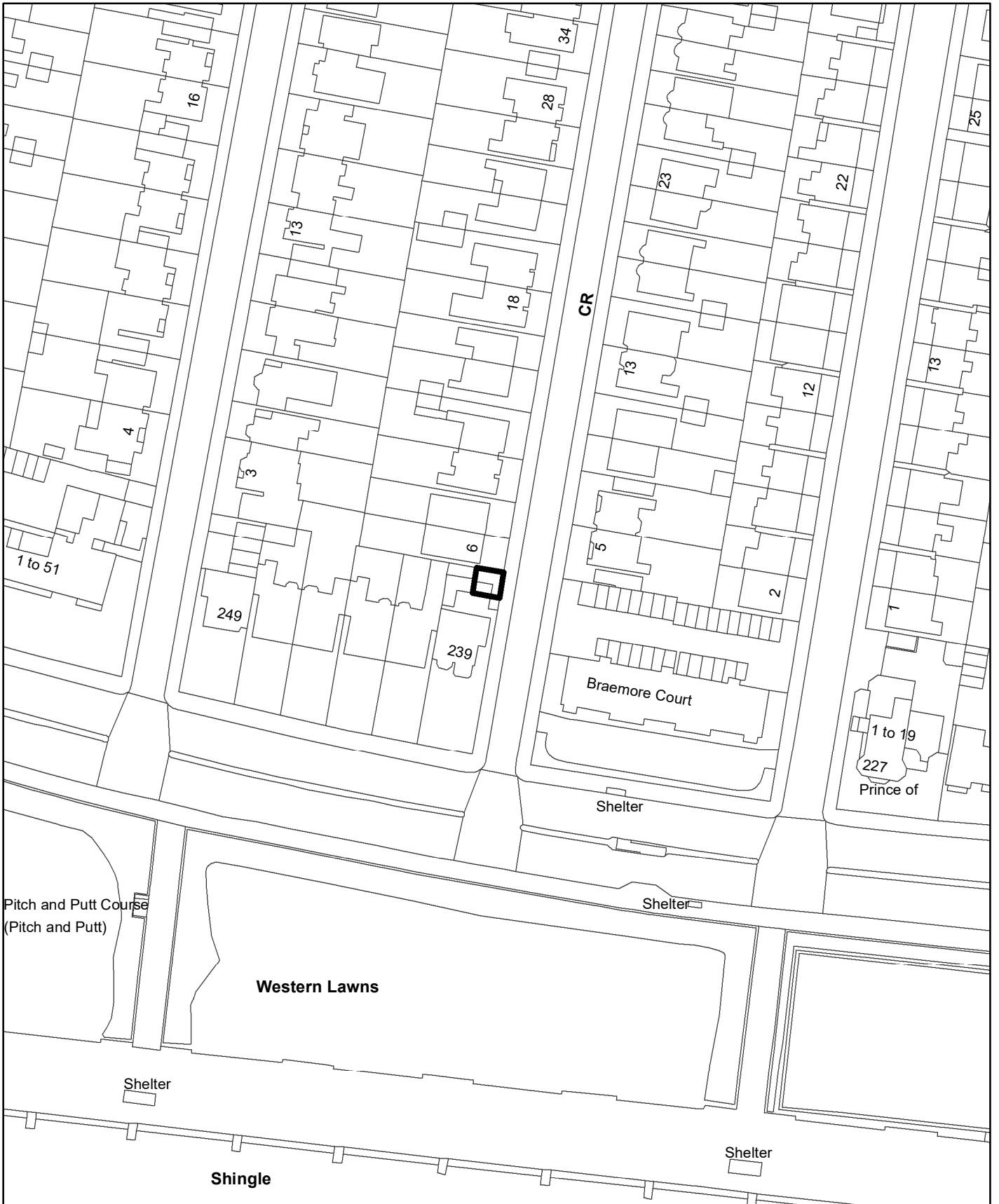
- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

ITEM C

**Site of 239 to 243 Kingsway
BH2024/01452
Full Planning**

DATE OF COMMITTEE: 6th November 2024

BH2024 01452 - Site Of 239 To 243 Kingsway



N



Scale: 1:1,250

<u>No:</u>	BH2024/01452	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of 239 To 243 Kingsway Hove BN3 4HE		
<u>Proposal:</u>	Part-retrospective application for the installation of an emergency backup generator with associated screening.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	11.06.2024
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	06.08.2024
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	09.10.2024
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	239 Kingsway Hove Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	P_300	01	11 June 2024
Proposed Drawing	P_301	P4	5 September 2024
Report/Statement	Acoustic Report - Plant Sound Assessment - 7th Wave Acoustics	1203.00 1R.2.0.J P	11 June 2024

2. Within two (2) months of the date of the permission hereby granted, the 1.5m high natural larch timber fence and posts shall be fully installed in accordance with the approved plan (Ref: P_301 Rev.P4) received by the Local Planning Authority on 5th September 2024. The fencing shall thereafter be maintained in place in perpetuity.

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

3. Noise associated with the generator hereby permitted 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 20 dB above the existing background sound level, in accordance with the conclusion of the Acoustic Report by 7th Wave Acoustics (Ref: 1203.001R.2.0.JP) received by the Local Planning Authority on 11th June 2024.

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

4. The development hereby permitted is for an emergency backup generator to be used in circumstances of loss of power to the site in a fire emergency only (and associated testing), and it shall not be used for general daily use.

Within 2 months of the date of this permission, an Operational Statement shall be submitted to the Local Planning Authority for written approval detailing how the generator would be used for testing outside of the event of a fire-related emergency within the Argentum development. The Statement will include the following information:

- a) The frequency of equipment tests and length of time the generator would be emitting a noise output during each test.
- b) A scheme of how the developer will inform local residents in advance of any upcoming testing of the equipment to include informing them of the time of day it will take place and duration, and it shall detail how any complaints will be recorded and addressed.

The agreed Operational Statement shall be adhered to thereafter.

Reason: As this matter is fundamental to the protection of amenity and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun due to the fact that the planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

2. SITE LOCATION

- 2.1. The application site is a corner plot on the north side of Kingsway and the west side of Braemore Road. Permission has been granted for the erection of an eight storey block of self-contained flats (C3), known as Argentum, development of which is nearing completion.
- 2.2. More specifically, the current development concerns the northeast corner of the site, where a walled compound has been erected, containing cycle parking, an electricity box, and a generator. It is adjacent to the shared boundary with no.6 Braemore Road, a residential property (C3). A site visit was undertaken in July.

3. RELEVANT HISTORY

- 3.1. **BH2024/00098** Application for approval of details reserved by condition 11 (car park management plan) of application BH2022/03385. Approved
- 3.2. **BH2023/03305** Application for approval of details reserved by condition 18 (privacy screening) of BH2022/03385. Under Consideration
- 3.3. **BH2022/03137** Application for approval of details reserved by condition 15 (lighting details) of BH2022/03385. Approved
- 3.4. **BH2023/02023** Application for approval of details reserved by condition 14 (landscaping and enhancement of nature conservation interest scheme) and 16 (photovoltaic array details) of application BH2022/03385. Approved
- 3.5. **BH2022/03639** Non-material amendment to application BH2018/00937 (allowed on appeal) to change the material for the feature band to allow for the use of render. Approved
- 3.6. **BH2022/03385** Application to vary Condition 2 of planning permission BH2018/00937 (allowed on appeal), as amended by BH2022/00541, to allow amendments to approved drawings, to vary Condition 8 (Disability access) to refer to Part M4(3)(2a) of the building regulations, to vary Conditions 12 (Cycle Parking), and 13 (Electric Vehicle Charging) to refer to approved details and to vary Condition 26 (Unit numbers) to refer to 33 units. Approved **Note: The approved drawings made reference to 'provision of a generator' in the location of the current proposal.**
- 3.7. **BH2022/01897** Application for approval of details reserved by condition 6 (surface water drainage design and maintenance scheme) of application BH2018/00937 (allowed on appeal). Approved
- 3.8. **BH2022/01472** Application for approval of details reserved by condition 5 (materials details) of application BH2018/00937 (allowed on appeal). Approved
- 3.9. **BH2022/00727** Application for approval of details reserved by condition 3 (existing and proposed ground levels) of application BH2018/00937 (allowed on appeal). Approved

- 3.10. **BH2022/00541** Non-material amendment to application BH2018/00937 (allowed on appeal) to amend development description to: Demolition of the existing dwellings and erection of an eight storey building to provide self-contained flats (C3), with associated access, parking and landscaping. Approved
- 3.11. **BH2022/00457** Application for approval of details reserved by condition 7 (method statement for construction of party wall) of application BH2018/00937 (allowed on appeal). Approved
- 3.12. **BH2022/00420** Application for approval of details reserved by condition 4 (Construction Environmental Management Plan) of application BH2018/00937 (allowed on appeal). Approved
- 3.13. **BH2018/00937** Demolition of existing buildings and erection of an eight storey building to provide 37no residential dwellings (C3) with associated access, parking and landscaping. Refused - Appeal Allowed

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought part-retrospectively under Section 73a of the Town and Country Planning Act 1990 for the installation of an emergency generator that would have a cuboid form, with a height of approximately 1.5m, and footprint of approximately 2.4m².
- 4.2. The application states that the generator is a Building Regulations requirement and would only operate in the event of a power loss to the whole site as a result of fire. It would ensure power would be retained to lifts and the sprinkler system. Once a year the generator would need to be tested for approximately 1 hour.
- 4.3. When running, the generator will generate noise levels of up to 20dB above the existing background level.
- 4.4. The generator itself is retrospective and has already been installed. The scheme has been amended during its lifetime, with timber fencing being added to the proposal to visually shield the existing generator in views from the public highway. This screening is not yet in place on site.

5. REPRESENTATIONS

- 5.1. Six (6) representations have been received, objecting to the proposal on the following grounds:
- Detrimental impact on property value
 - Noise nuisance
 - The development is unattractive.
 - The proposed screening is inadequate to conceal the generator.
 - The development is too close to the shared boundary.

- The development could be built elsewhere.
 - Loss of view
 - The applicant should have considered the generator earlier in the planning process.
 - The generator is a health and safety risk.
- 5.2. A representation has also been received from **Ward Councillor Nann**, objecting to the proposal on the following grounds:
- No attempt has been made to hide the generator in street views
 - The generator is ugly and overbearing, spoiling street views

It should be noted that all representations were received prior to amendments to the scheme including visual screening.

6. CONSULTATIONS

Internal

6.1. Environmental Health Team (Comment)

This emergency generator, if continually active, would cause a severe adverse effect on closest receptors. However, this generator, as the name suggests, is for use in emergencies only, i.e. in case of fire where generator power would be required. Therefore, the effect on these receptors should be minimal. As suggested, the generator is required to be tested once a year for approximately one hour. All nearby residents should be advised well in advance of this testing, due to the adverse noise effects this increased 20dB will generate from the testing.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

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

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents

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 development; and the potential impacts to the amenities of local residents.

Principle of Development

- 9.2. Provision for a generator in this location was agreed in principle with the granting of permission BH2022/03385 in August 2023, as shown specifically on approved drawing L(01)-003 Revision F. It is considered that it would be unreasonable to refuse permission for a generator in this location in principle, given the approved development and clear provision for a generator shown on the approved drawing.
- 9.3. The principle of an emergency backup generator on the site is supported to ensure adequate fire safety. It has been stated in the representations received that the generator could be built elsewhere; as abovementioned, the principle of a generator in this location has been accepted in the previous permission that remains extant. In addition, as discussed below, the current siting is considered acceptable.

Design and Appearance

- 9.4. The generator is a functional addition to the landscape, and not an entirely alien feature in a city environment. Whilst of no architectural merit, it is relatively modest in scale (with a volume of approximately 3.5m³). It is partly enclosed within a brick compound and is set back into the site off the main frontage, reducing its visual impact. It would nevertheless remain visible within the streetscene, and it is considered necessary for installation of the proposed screening fencing to be secured by condition within a reasonable timeframe post-decision, in the interest of visual amenity. The proposed timber screening is considered adequate for its purpose and will satisfactorily conceal views of the generator. The impact of the screening itself within the wider streetscene

would be acceptable as it would be up to 1.5 metres in height and limited to around the generator only and set back within the site.

- 9.5. Soft landscaping has been planted around the internal perimeter of the compound, which when fully grown will help soften the appearance of the development; however, it would not be appropriate to solely rely upon soft landscaping to secure an acceptable appearance since it would take time to grow in and cannot be relied upon in perpetuity. Therefore, it is necessary to secure installation of the timber fencing by condition.

Impact on Amenities

Noise Nuisance

- 9.6. The generator would be anticipated to cause harm to the amenities of local residents if in constant use, but it has been confirmed by the applicant that it is for use only in an emergency where a fire occurs in the Argentum development; the generator would then activate and provide power to the lifts and sprinkler system. The generator would also be activated on an annual basis for testing for a short period of about an hour. On this basis, it is considered that the proposal would be acceptable as the potential noise nuisance from the development would only be for an extremely limited period of time. Conditions will be included to secure emergency use only and ensure that the noise rating from the generator's operational use does not exceed that predicted within the submitted Acoustic Report.
- 9.7. It is also recommended that permission should be granted only subject to an agreed scheme of use, which would detail the times and dates of testing, and how local residents would be kept informed and given advance notice of when testing is to be undertaken. This would help prevent testing being undertaken at unsocial hours, or more often than is necessary, and safeguard the amenity of local residents.
- 9.8. Given that the potential harm can be managed with the inclusion of appropriate planning conditions, this issue does not warrant planning permission being withheld. This approach is recommended by the Council's Environmental Health Team.
- 9.9. The above notwithstanding, the council will retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received.

Loss of View

- 9.10. It has been raised in the representations received that the development has led to the loss of a view. The generator is 1.5m in height and the LPA does not consider that any significant views have been lost as a result of the development. It should also be noted that specific views are not protected under planning. The proposed siting and height of the fence screen would not significantly project above the current side boundary wall (about 10cm) and is not considered to be unacceptably overbearing to neighbours.

Biodiversity

Biodiversity Net Gain (BNG)

- 9.11. The development will not be required to provide a biodiversity gain plan as it has been made under Section 73A of the Town and Country Planning Act 1990, and is therefore exempt from such a requirement.

Other

- 9.12. Concerns have been raised that the proposed development would have a detrimental impact on property value, but this is not a material planning consideration.
- 9.13. To seek planning permission retrospectively is a valid course of action in the development process and has not been weighed against the developer in the assessment of the propriety of this proposal.
- 9.14. It has been stated in representations received that the generator should have been considered by the developer earlier in the planning process; however, as abovementioned, the provision of a generator in this location was agreed in principle within permission BH2022/03385.
- 9.15. It has been raised in the representations received that the generator poses a health and safety risk. This is not a planning consideration.

Conclusion

- 9.16. The development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents, subject to conditions securing the installing of the timber fencing; requiring compliance with the noise rating stated in the Acoustic Report; and the submission of and approval in writing of a methodology statement that would set out how and when testing will occur, and how local residents will be properly informed. For the foregoing reasons the proposal is considered to be in accordance with policies CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20 and DM40 of the City Plan Part Two.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and

determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Paul Nann

BH2024/01452 – Site Of 239 To 243 Kingsway

14th July 2024:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Poor design
- Residential Amenity
- Too close to the boundary

Comment: I object to this because no attempt has been made to hide it from the street; it is ugly and overbearing and it spoils the view of the street. I would like to discuss this at the planning committee.

ITEM D

**214 Preston Road
BH2024/00673
Full Planning**

DATE OF COMMITTEE: 6th November 2024

BH2024 00673 - 214 Preston Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/00673	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	214 Preston Road Brighton BN1 6RA		
<u>Proposal:</u>	Demolition of 4.no garages and erection of three storey detached dwelling house (C3) arranged over upper ground, lower ground and first floors incorporating revised front wall and construction of new cross-over. Conversion of adjacent non-attached garage to form ancillary studio space.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	06.05.2024
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	01.07.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.07.2024
<u>Agent:</u>	Hudson Madigan London W1T 6EB	First Floor Silverstream House	45 Fitzroy St
<u>Applicant:</u>	S A Partnership 9DG	Trafalgar House Quarry Road	Newhaven BN9

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	P05	B	14 March 2024
Location and block plan	P06	D	6 May 2024
Proposed Drawing	P01	D	14 March 2024
Proposed Drawing	P02	B	14 March 2024
Proposed Drawing	P04	B	14 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. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and

re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One

4. 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:
 - a) samples/details of all brickwork, tile hanging, timber cladding and roofing materials;
 - b) details of the proposed fenestration;
 - c) 1:20 scale plan and section drawings of the diverse seeded plug-planted green roof, including depth of substrate and seeding mix; and
 - d) details of all other materials to be used externally, including the solar panels.

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

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

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

6. 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 the Brighton & Hove City Plan Part Two and SPD14: Parking Standards.

7. The new/extended crossover and access serving the proposed on-site car parking space shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policy CP9 of the City Plan Part One.

8. 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.

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

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

10. The residential unit hereby approved shall not be first occupied until it has been built, to achieve 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.

11. 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.

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

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

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

Reason: To ensure that the development is sustainable through ensuring low energy consumption and CO2 emissions, to protect tenants from fuel poverty and to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.

14. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development, how the proposed development may existing flow paths across the site, and surface water flood resilience measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DM42 of the Brighton & Hove City Plan Part Two.

15. Privacy screening measuring at least 1.7 metre in height shall be erected to the western and southern boundary of the rear upper terrace hereby approved and thereafter shall be permanently retained as such at all times.

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

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

17. The development hereby permitted shall not be commenced until the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A full asbestos survey of the premises, undertaken by a suitably qualified specialist; and if any asbestos containing materials are found:
 - b) A report shall be submitted to the Local Planning Authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

18. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the front of the site has been converted back to a footway by raising the existing kerb and footway.

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

19. The studio 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, including as holiday lets.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher,

8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks / boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The applicant 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>.
8. 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 of 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 prosecution under these Regulations or this Act.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or

transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application relates to a site located on the northern side of Harrington Road, to the rear of 214 Preston Road, a substantial, two storey, late nineteenth century detached house. It comprises a row of four single-storey garages with associated front forecourt. The site also includes a narrow garage/store structure which is attached to the adjoining a three storey residential property to the east (2 Harrington Road). The site adjoins the rear of 214 Preston Road to the west. The land slopes upwards towards the east so dwellings on Harrington Road sit slightly higher, and the rear of dwellings on Preston Road slightly lower.
- 2.2. The site is located within the Preston Park Conservation Area and subject to a related Article 4 direction. The site is also mostly within a surface water conveyance zone and partly within an accumulation zone that runs along Preston Road.

3. RELEVANT HISTORY

- 3.1. There is a long planning history for applications on the site and the adjoining property at 214 Preston Road. The most relevant planning applications and pre-application enquiries are set out below:
- 3.2. **PRE2023/00209** Demolition of 4no. garages and erection of two-storey detached dwellinghouse arranged over lower, upper ground and first floors and the conversion of adjacent non-attached garage to form a studio space (ancillary to the main accommodation). Advice issued 9/1/2024
- 3.3. In general, it was considered that the scheme could be considered positively but consideration should be given to siting the first floor further away from the rear of 212/214 Preston Road. Heritage comments advised the scale and design could be supported. In regard to amenity, it was suggested any new scheme should be accompanied by a daylight/sunlight report and information

on the use of the studio must be provided to understand the impact on neighbouring residents.

Officer Note: It is considered that the present application has generally followed this advice in terms of the positioning of the first floor accommodation and the provision of a daylight/sunlight report.

- 3.4. **BH2023/00373** Demolition of 4no. garages and erection of a new two-storey detached dwellinghouse (C3) arranged over lower and upper ground floors, with landscaping, parking area, bin and cycle storage. Approved 30/6/2023
- 3.5. **PRE2020/00292** Demolition of existing block of 4no. garages and erection of a four bedroom house at ground and basement levels with associated access, parking and amenity space. Advice issued 09.03.2021
- 3.6. **BH2007/03890** Demolition of 4 existing garages and erection of 2 three-storey houses. Refused on 27.12.2007. The reasons for the refusal were as follows:
- “1. *The application site is of an insufficient size to accommodate a substantial three-storey building. This is reflected by a proposal which by reason of excessive plot coverage and bulk in close proximity to side and rear boundaries of the site would appear a cramped form of development out of keeping with the prevailing character and appearance of the Preston Park conservation area. The proposal would therefore fail to preserve or enhance the character and appearance of the area and is contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.*
 2. *The proposal provides inadequate amenity space for future occupants of the dwellings and inappropriate to the scale and character of the development. The proposal is therefore considered contrary to local plan policies QD27 and HO5 of the Brighton & Hove Local Plan.*
 3. *The development by reason of its height and massing coupled with inadequate separation to side and rear boundaries of the site would appear an overbearing feature creating a significant sense of enclosure for occupiers of adjoining properties. The development would therefore result in significant harm to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.*
 4. *The development by reason of its close proximity to side (east and western) boundaries of the site would result in significant loss of light and outlook for occupiers of 214 Preston Road and 2 Harrington Road. The development would therefore result in significant harm to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.*
 5. *The presence of window openings to the rear elevation of the proposed building would cause direct downward overlooking of adjoining garden areas resulting in significant loss of privacy for occupiers of adjoining properties. The development would therefore result in significant harm*

to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.”

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing four garages on site and the erection of a three-storey, four-bed detached dwelling house (C3) arranged over upper ground, lower ground and first floors and incorporating a revised front wall and construction of new vehicle cross-over. The proposed dwelling is of a more contemporary appearance and features a series of flat roofs. Materials proposed include brick, tile hanging and cedar cladding with grey aluminium windows.
- 4.2. The application also proposes the conversion of the adjacent garage structure to form an ancillary studio space.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of objection have been received in response to publicity, raising the following points:
- Harm to the original brick wall around the site
 - Loss of light and overshadowing to neighbouring properties
 - Loss of light would impact neighbouring gardens
 - Overdevelopment to form 3 storeys of accommodation
 - Development would be too high
 - Harm to neighbouring amenity including overshadowing and loss of privacy
 - Loss of property value
 - Noise and disturbance from the occupation of the new studio
 - Noise and disturbance and traffic issues through construction
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Heritage:** No objection
Note the proposal is very similar to proposed submitted for the pre-application (PRE2023/00175), though the massing is more balanced to the west at the upper ground floor. The retention of the brick front boundary wall is preferable, as per the pre-application advice, and should be regarded as an improvement. Some minor changes to the rear and interior have been made, but these will not have a harmful impact on the appearance of the building in the of the conservation. The changes will also have no effect on the setting of the nearest listed building: St John’s Church on Knoyle Road.

- 6.2. **Environmental Health:** No objection
Subject to precautionary noise conditions
- 6.3. **Southern Water:** No objection
Standing advice regarding the requirement for the developer to apply for a connection to the sewer network and of the potential for existing infrastructure to lie beneath the site.
- 6.4. **Sustainable Transport:** No objection
This application presents very similar conditions to BH2023/00373 which we have previously commented on. The application is mainly acceptable, with an amendment to the cycle storage being necessary, which can be secured via condition and a vehicle crossover condition to be attached.
- 6.5. **Ecology** No objection
Provided appropriate mitigation and enhancement measures are implemented, the development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. However, the applicant should be aware that the potential for roosting bats cannot be entirely ruled out and as such an informative has been recommended.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

CP14	Housing density
CP15	Heritage

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

Other Documents

Preston Park Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed building and the impact on heritage assets, and the impact upon neighbouring amenity. The standard of accommodation to be provided, sustainable transport matters, and biodiversity considerations are also material considerations.

Background:

- 9.2. Planning permission has been granted under BH2023/00373 for the demolition of the existing garages and the erection of a two-storey, four-bedroom dwelling. This permission was granted on the 21 June 2023 and therefore remains extant.
- 9.3. The current application is of a similar design, however the scheme now comprises an additional level of accommodation at second floor level. This current application was submitted following pre-application advice issued under application PRE2023/00209.

Principle of Development:

- 9.4. The principle of the redevelopment of the site for residential purposes remains acceptable. The policies that were in place when consent was granted in 2023

remain applicable and the extant permission is a material consideration in this application.

- 9.5. Further, there is an increased need for housing in the city. 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.
- 9.6. 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).
- 9.7. 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).
- 9.8. Given the redevelopment of the garage site for residential purposes has already been established as acceptable through the extant permission, and the need to give the provision of a new dwelling increased weight, the proposal is considered to be acceptable in principle.

Design, Heritage, Density and Character:

- 9.9. The site currently contains four single storey garages, located within the former rear garden space of no. 214 Preston Road. The plot of land is sited between the side elevation of properties on Harrington Road and the rear of properties on Preston Road. The proposal would result in the replacement of the garages with a three bedroom dwelling partially excavated into the site, so covering lower ground, ground and first floor level. The properties within the surrounding area are a mix of residential uses in a suburban setting with a predominance of Victorian and Edwardian terraced and semi-detached dwellings. The context of the immediate site consists of properties with long rear gardens, save for no. 214 Preston Road, which has a relatively tight plot, given that the former garden is now used for the garages.
- 9.10. Policy CP14 of the CPP1 relating to Housing Density states, among other things:
"Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis."
- 9.11. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.

- 9.12. The site is within the London Road Neighbourhood, specifically The Park 'section', as referred to in Policy CP14 with reference to the city's Urban Characterisation Study. Given the mix of uses (tall office blocks and predominately two storey residential development) and abundance of open space, the gross density is relatively low for an inner suburban area at only 18 dwellings per hectare (dph). The proposal would have a dph of 43. The existing plot, originally the former garden space of no. 214 Preston Road, which is a tight plot size, is somewhat at odds with the spacious plots within the immediately surrounding area and the originally spacious plot of no. 214. However, the plot is not in use as garden space thereby adding to the openness of the area. Further the site has scope to provide a low-rise building, replacing existing unsightly garages and appearing as an outbuilding in relation to the frontage building on Preston Road, making an efficient use of the land without compromising the character of the area, or adversely affecting neighbouring residents or future residents of the site. Whilst below 50dph, a lower density is accepted because the development would reflect the neighbourhood's positive characteristics and would better contribute towards creating a sustainable neighbourhood.
- 9.13. As such, the proposed density is considered to be acceptable and broadly in compliance with Policy CP14, and taking into account the history and specific context of the site.
- 9.14. Policy CP12 of the Brighton & Hove City Plan Part One and DM18 of City Plan Part 2 seeks to ensure that all new development raises the standard of architecture and design in the City.
- 9.15. The development lies within the Preston Park Conservation Area. 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.
- 9.16. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.17. These objectives are largely reflected in heritage policies CP15 of City Plan Part one and DM26 of City Plan Part Two.
- 9.18. The existing row of garages on the site are of little architectural or historical merit and as such the garages make no positive contribution to the conservation area. The loss of these garages has also been established when granting permission for the previous application. The Heritage team have no objections to the scheme, as noted above.
- 9.19. The proposed building largely follows the design ethos of the house previously approved and comprises a 'sunken' lower ground floor level which would house the bed spaces, and upper ground floor to house the living spaces. The key change with this application, when compared to the previous consent, is

the addition of first floor accommodation which would occupy about two thirds of the width of the ground floor. This additional storey would be timber clad.

- 9.20. Although this proposal represents a taller development than the previous approval, it is considered that the dwelling remains an appropriate scale and subordinate in its scale to other houses in the street. In response to the pre-application advice which followed the previous approval, this additional floor of accommodation would be positioned closer to 2 Harrington Road. This assists in ensuring a visual break between the new dwelling and the rear elevation of 214 Preston Road.
- 9.21. The proposed dwelling would not affect the setting of any listed buildings and whilst there may be some impact on views toward St John's Church to the rear this would not be so detrimental as to warrant refusal of the application. The scheme can be seen as an improvement on the replacement garages which are harmful to the significance of the conservation area and it is considered that the proposal would provide a visual improvement over the existing situation.
- 9.22. The approved dwelling features red brickwork, tile hanging, aluminium fenestration and a roof with aluminium capping and the addition of solar panels. The red brickwork and the addition of tile hanging to the front elevation does reference the surrounding context (on properties within the street) in a more modern contemporary style. The additional accommodation now proposed for the top floor of the dwelling reflects the design and detailing previously approved. The timber cladding would give the upper floor a light-weight appearance when compared to the brick-built finish to the ground floor.
- 9.23. The original front and side boundaries are proposed to be retained and restored as they are an important feature in the conservation area. The proposed planting to the front of the site is welcome including hedgerows which go some way to emulate the vegetation within the front gardens of Harrington Road. Landscape and boundary detailing would be secured via condition given the need to secure biodiversity net gain on site.
- 9.24. As with the previous application, access to the dwelling would be provided via the car parking area, with no main gate to the front. Comments from neighbours regarding interference and damage to the existing walls on site are noted, however the design is considered to allow for the re-development of the site whilst retaining the majority of the existing boundary treatment. This is considered to preserve the character of the streetscene.
- 9.25. Overall, the design and appearance of the development remains acceptable. The new dwelling, with additional accommodation on the first floor is considered an acceptable addition to the site that would not compromise the character of the surrounding area or conservation area in accordance with Policies CP12 and CP15 of the City Plan Part One and DM18, DM26 and DM29 of the City Plan Part Two.

Standard of Accommodation

- 9.26. Policies DM1 and DM20 of City Plan Part Two aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.27. The 'Nationally Described Space Standard' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have now been formally adopted within Policy DM1.
- 9.28. The new dwelling would have a Gross Internal Area of approximately 160.5sqm. This would meet the requirements of the NDSS for a 4 bedroom / 8 person unit arranged over 3 storeys. This represents an increase of 32sqm from the previous approval. The bedrooms would meet the minimum national space standards for double bedrooms and would be adequate in terms of shape and circulation space. The terrace areas to the front and rear would allow for restricted but adequate light and outlook to serve the bedrooms. The standard of accommodation for the lower ground floor would be similar to that previously approved. The fourth bedroom on the top floor would also provide a good standard of bedroom space and an additional ensuite. The proposal would provide suitable circulation space and storage space within the living spaces and bedrooms and access to natural light and outlook available for each habitable room.
- 9.29. Policy DM1 requires the provision of private amenity space in new development. Whilst the provision of three modest outdoor areas is not an ideal amount of amenity space for a 4 bed house, on balance it is not considered that this in itself would constitute a reason for refusal given amenity space has been maximised as far as practicable on such a constrained plot, and noting the approved scheme had a similar provision.
- 9.30. Policy DM1 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The application proposes ramped access for the new dwelling to the principal entrance. Therefore, a condition has been attached to ensure that there is the ability to access the site via the ramped access, and so the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 9.31. The unit would provide for a suitable standard of accommodation and would meet the needs of future occupiers, in accordance with Policies DM1 and DM20 of City Plan Part Two.

Impact on Amenity

- 9.32. Policy DM20 of City Plan Part Two states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM40 of City Plan Part Two is concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.33. Given the existing residential character of the property and surrounding area, it is not considered that the provision of an additional residential unit would have a significant adverse impact upon the amenities of neighbouring properties.
- 9.34. By reason of the additional height, the proposed development would have more impact on neighbouring properties than the extant permission or the existing garages and representations have been received concerning loss of light and overshadowing.
- 9.35. The new dwelling would be close to the boundary of 2 Harrington Road to the east with the higher element located on that part of the site. That property has a single storey extension immediately along the shared boundary which appears to be a garage/storage building with only a single small, angled skylight which would be affected. There is a ground floor window behind this but it is obscure glazed so the loss of light would be minimal. The building is set further back from the garden of 214 Preston Road to the west and would be lower on this part of the site so the loss of light would be less significant.
- 9.36. Further, the application is accompanied by a quantitative daylight and sunlight report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the reduction in daylighting to the windows and rooms of the neighbouring buildings will be within the acceptable limits.
- 9.37. The assessment of the impact on the sunlight enjoyed by the neighbouring buildings has also shown that despite some reductions seen in the number of probable sunlight hours enjoyed by these windows/rooms, these are again within the limits prescribed by the BRE Guidelines as being acceptable. The overall impact on daylight and sunlight levels to neighbouring properties is not considered so significant as to warrant refusal of the application.
- 9.38. As noted above, the development would result in additional building bulk in close proximity to neighbouring boundaries so occupiers would experience some increased sense of enclosure. However, given that building lines have been largely respected, and the development retains low profiles throughout, this impact is not considered so significant as to warrant refusal.
- 9.39. The fenestration pattern has been designed to avoid overlooking of neighbours with no windows/doors on the side elevations and the fenestration at rear lower ground floor level, and ground floor levels would face boundary treatment. The additional windows at first floor level would give rise to opportunity for more expansive views to rear. These windows would be

obscured glass which would eliminate this concern and which can be controlled by condition.

- 9.40. It is noted that it is proposed to add perimeter planting against the existing boundary wall to the garden of 212 Preston Road. However, to ensure appropriate screening is provided along the rear site boundaries to mitigate against overlooking, planting is insufficient as it would be ineffective in obscuring views for the lifetime of the development, and would require regular maintenance. Full details of boundary detailing have therefore been secured by condition. As with the previous permission, privacy screens to the terraces can be secured by condition.
- 9.41. Representations cite concerns in relation to the proposed use of the studio attached to the side elevation of 2 Harrington Road. There is little information within the application about the existing or proposed use of this space. The plans show that the front of the space would have glazed doors behind the existing timber doors, a side access to the side passage of the main dwelling, and a w/c is to be formed at the rear. The size and proportions of this space would limit the potential use of the studio. Nevertheless, it is considered reasonable and practical for it be used as ancillary space for the main dwelling and this could be secured by condition. This being the case, it is not considered that the space would impact neighbouring occupiers.
- 9.42. The Environmental Health team have been consulted on the application and have no objection. Given the lack of information in respect of the use of the studio space, the Environmental Health team have suggested some precautionary conditions in relation to noise and shall be carried forwards.
- 9.43. The development would not give rise to substantial noise pollution or light pollution above that to be expected in a developed residential area of this type and, therefore, no resulting harm to living conditions of the occupiers of neighbouring properties.
- 9.44. On the basis of the above, and noting the extant permission on the site and the conclusions of the daylight and sunlight assessment, it is considered that the proposal is acceptable in terms of its potential impact on neighbouring residents and accords with Policy DM20 of City Plan Part 2.

Biodiversity and Ecology

- 9.45. Policy DM37 of the City Plan Part Two seeks to ensure that all new development proposals conserve and enhance existing biodiversity.
- 9.46. There does not appear to be any protected species or habitat on the site, and it would not result in the loss of any mature trees or hedges and limited natural habitat. There has been no objection from the Ecologist in response to the application, subject to the imposition of an additional condition in relation to biodiversity enhancements.
- 9.47. As with the previous consent a condition has been attached to ensure that bee bricks and swift bricks / boxes would be incorporated within the external wall

of the development. Additional details would be required by condition in respect of the green roof and landscaping within the site.

- 9.48. In terms of biodiversity net gain, this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

Sustainability

- 9.49. Policy CP8 of CPP1 seeks to ensure that development proposals are efficient in the use of energy and water. At the time the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard of 31%. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition is recommended to meet the optional standard for water consumption. These measures can be secured by condition and informatives.
- 9.50. Policy DM44 of CPP2 requires new build residential development to achieve a minimum energy Performance Certificate EPC rating 'B'. This is to be secured by condition.
- 9.51. Refuse and recycling is being provided to the side of the site which appears to be adequate for the scale of development, with level access through the side gate to the roadside. It is proposed that the provision of this is secured via condition.
- 9.52. The application is proposing six solar panels on the roof which would help to provide a reduction on carbon emissions and this provision is also supported under policy DM44 of City Plan Part 2.

Sustainable Drainage

- 9.53. The footprint of the development and the extent of lower ground floor accommodation is comparable to the extant permission so the impact on the water environment would be similar. As previously stated, the site is mostly within a surface water conveyance zone and partly within an accumulation zone. The latter is defined as areas at risk of surface water flooding in a 1% AEP (equivalent to 1 in 100 year) rainfall event where water is expected to pond in these areas. Basement dwellings will therefore not normally be permitted in these areas. However, in this case, it is noted that the basement part of the dwelling falls outside an accumulation zone and therefore is considered to be safe from surface water flooding.
- 9.54. Surface water conveyance zones are steeply sloping so in a rainfall event, runoff can be expected to flow over impermeable areas. This can result in changing surface flood risk on and off the site. Since flood depths are generally low, all types of development could be compatible. The site as existing is covered by hardstanding that is likely to be impermeable. Therefore, the proposal has the potential to improve this situation by allowing water to

soak into the ground through permeable or porous surfacing and planting. It is therefore necessary for the landscaping proposals to be informed by an assessment of flood risk from all sources, how the proposed development may affect existing flow paths across the site, and surface water flood resilience measures. This can be secured by condition as in the previous permission for the site. Southern Water has not objected to the development.

Sustainable Transport

- 9.55. The existing use of the land is for garages and hardstanding associated with 214 Preston Road and under the ownership of the freeholder of that building. The Design and Access Statement states that the garages are not leased to or used by occupants of that building and have been used only occasionally by the freeholder for storage. As with the previous application, there is no objection to their loss as they are not connected to the residents of 214 Preston Road and there is no evidence to suggest that the loss of the garages would result in additional overspill occurring on the nearby highway.
- 9.56. Whilst not raising an objection, Transport Officers have noted that the proposed cycle parking storage is considered inconvenient as it is located to the rear of the development, with a narrow access and multiple doors to reach it. Parking Standards SPD14 requires a minimum of two cycle parking spaces for this type of development which must be covered and secure. There appears to be space on the front of the site (a sealed car parking area) for a secure storage so details of this would be required by condition.
- 9.57. In regard to the car parking, this is to be accessed from a new crossover on the western side of the site. The existing vehicle crossover which was to be used in the extant permission would become redundant. This is considered an acceptable situation with the works to remove and redundant crossover and a new vehicle crossover to be secured via condition.

Other Matters

- 9.58. On the previous application, precautionary conditions were imposed in relation to potential contamination and asbestos which can be carried forward to this consent.
- 9.59. Public representations made on the application have been considered in the relevant sections of the report. However, noise and disturbance through construction is not a material planning consideration for this scale of development and loss of property value cannot be taken into account.

Conclusion and Planning Balance

- 9.60. The proposal would replace existing dilapidated garages which are underutilised with a new dwelling, the provision of which must be given increased weight given the housing shortage in the city. A previous planning permission has accepted the residential redevelopment of the site, with a dwelling of a similar design, which must be given significant weight in considering the acceptability of this scheme. The design is modern but similar to that previously approved, and is considered an acceptable, contemporary addition to the streetscene. A daylight/sunlight assessment has been

submitted confirming that the loss of light would be acceptable, and there are no concerns in terms of the loss of outlook and privacy. A landscaping scheme would be secured by condition and bee bricks/swift boxes to improve biodiversity on the site. The existing site is entirely sealed, so the scheme would be positive in terms of the water environment through increasing its impermeability and ability to absorb water. The proposal is considered acceptable in terms of its impact on highway capacity and road safety, subject to securing cycle parking details.

- 9.61. Given the acceptability of the negative impacts, the provision of a new dwelling, and the redevelopment of the site to replace derelict garage buildings, the scheme is considered acceptable in planning terms.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £16,529.01. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

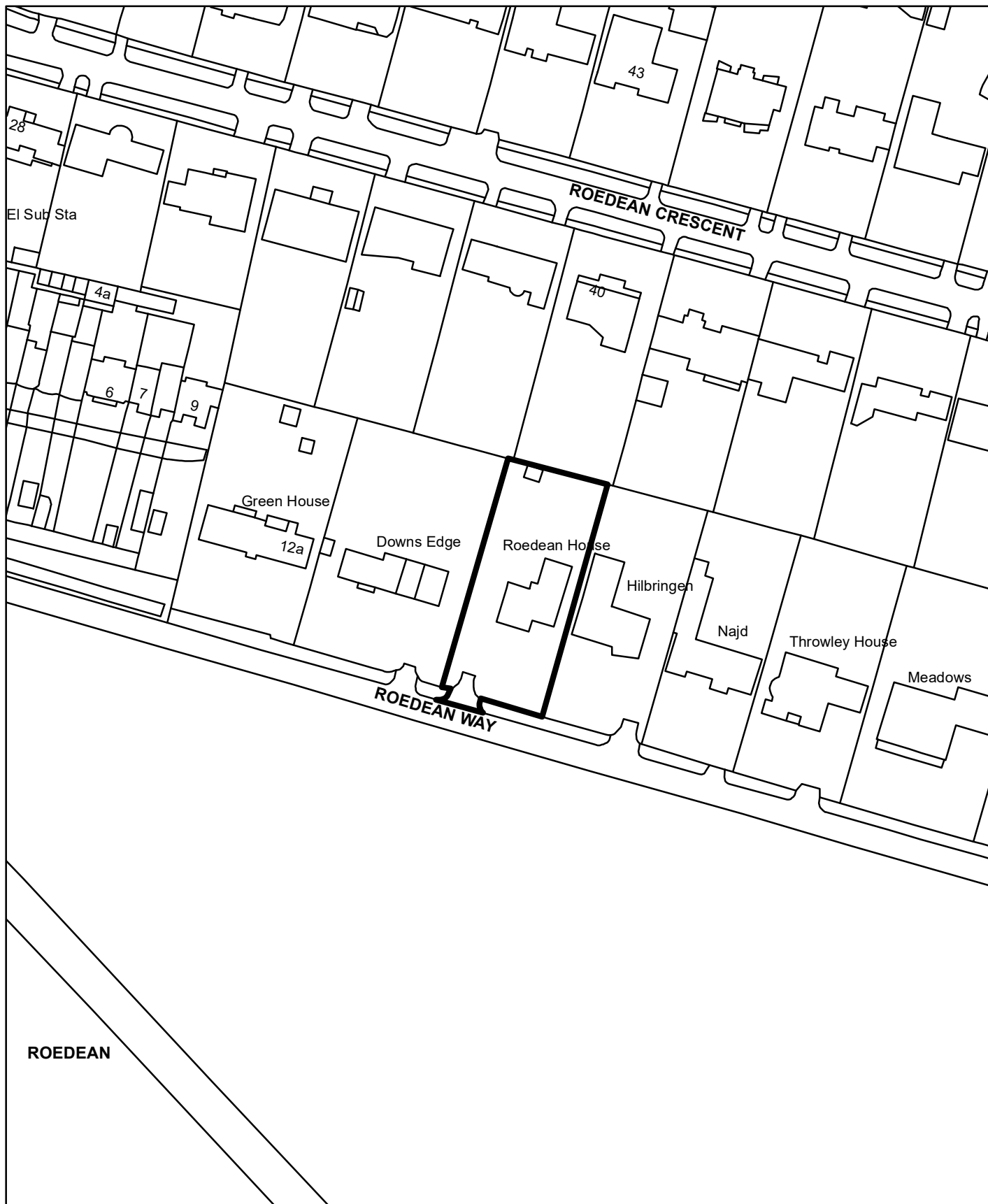
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. A condition would be added requiring that the dwelling is accessible and adaptable which would ensure those with mobility issues could live in/access the dwelling.

ITEM E

**Roedean House, 14 Roedean Way
BH2024/01946
Full Planning**

DATE OF COMMITTEE: 6th November 2024

BH2024 01946 - Roedean House, 14 Roedean Way



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2024/01946	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Roedean House 14 Roedean Way Brighton BN2 5RJ		
<u>Proposal:</u>	Demolition of existing house and erection of a new three storey house (C3) with associated landscaping.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	04.09.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	30.10.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	John Pardey Architects Beck Farm Studio St Leonards Road East End Lymington SO41 5SR		
Applicant:	Mr Declan Reddington 14 Roedean House Roedean Way Brighton BN2 5RJ		

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	ENERGY & SUSTAINABILITY APPRAISAL		6 August 2024
Report/Statement	LANDSCAPING REPORT		6 August 2024
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL		6 August 2024
Proposed Drawing	0349-RW-0001 P02		6 August 2024
Proposed Drawing	0349-RW-1001 P02		6 August 2024
Proposed Drawing	0349-RW-3001 P02		6 August 2024
Proposed Drawing	0349-RW-3002 P02		6 August 2024
Proposed Drawing	0349-RW-3003 P02		6 August 2024
Proposed Drawing	0349-RW-4001 P02		6 August 2024
Proposed Drawing	0349-RW-9000 P02		6 August 2024
Location and block plan	2402_100		6 August 2024
Proposed Drawing	2402_101		6 August 2024
Proposed Drawing	2402_201	A	15 October 2024
Proposed Drawing	2402_301		6 August 2024

Proposed Drawing	2402_401	A	15 October 2024
Proposed Drawing	2402_402		6 August 2024
Proposed Drawing	2402_405		6 August 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. 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.
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.

4. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. 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 (other than demolition) until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Details of all brick to be used
 - b) Details of all cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and balcony treatments
 - e) Details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The

roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement and sustainability on the site and in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policies CP8 and CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

7. The landscaping scheme detailed on drawing nos. 0349-RW-1001 P02, 0349-RW-3001 P02, 0349-RW-3002 P02, 0349-RW-3003 P02 and 0349-RW-4001 P02, all received on 6th August 2024, shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to 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.
8. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards

11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
12. The dwelling hereby approved shall not be occupied until it 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.
13. 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.
14. 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.
15. The first-floor window in the western 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
16. Other than those areas labelled as '16' (TERRACE) on the approved plans, access to the areas of flat roof hereby approved shall be for maintenance or emergency purposes only and these areas of flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
17. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment received 6th August 2024 and Biodiversity Net Gain Metric received 4th September 2024, both prepared by Phlorum.
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

18. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include:
- i) A non-technical summary
 - ii) The roles and responsibilities of the people or organisations delivering the HMMP
 - iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
 - iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first [occupation or use] of the development
 - v) The monitoring methodology and frequency in respect of the created or enhanced habitat
 - vi) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

19. Prior to the first occupation of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. Habitat monitoring reports shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, 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.

21. All ecological measures and/or works shall be carried out in accordance with the details and recommendations identified within the Preliminary Ecological Appraisal (Phlorum, received 6th August 2024) and Bat Survey (Batscan, received 6th August 2024).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006 and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Part Two, respectively.

22. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition(s).
3. 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.
4. 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.

5. 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.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height 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.

Biodiversity Net Gain

Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:

- i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) The planning authority has approved the plan.

The planning authority is Brighton & Hove City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.

The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:

- i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
- ii) The pre-development biodiversity value of the onsite habitat,
- iii) The post-development biodiversity value of the onsite habitat,
- iv) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- v) Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

2. SITE LOCATION

- 2.1. The application relates to a detached two-storey dwelling on the northern side of Roedean Way. The area is characterised by substantial detached dwellings of differing ages and architectural styles, set in spacious plots. Beyond the built-up area the land is generally open, with sloping grassland and the Roedean pitch and putt course to the south, and East Brighton Golf Course, Cattle Hill and Roedean School to the west, north and east. Land levels fall gently to the east and more steeply to the south.
- 2.2. A significant number of dwellings on both Roedean Way and Roedean Crescent have been rebuilt in recent years, resulting in a varied and eclectic streetscene with more traditional two-storey hipped roof dwellings often lying side by side with larger contemporary dwellings. This includes the plot adjoining the site to the west (no. 13) which has recently been rebuilt under planning permission reference BH2021/00216.
- 2.3. The site is located within an Archaeological Notification Area (ANA) and is visible from the South Downs National Park (SDNP) some 160m to the east.

3. RELEVANT HISTORY

- 3.1. **BH2002/02574/FP** - Rear extension at first floor level, minor alterations to ground floor (rear). Approved 30/10/2002

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing building and the erection of a three-storey five-bedroom dwelling (C3) with associated landscaping.
- 4.2. The proposed dwelling would be three-storeys in scale with flat roofs throughout. The third storey would be recessed to the front and east with an overhanging roof. There would be a projecting front garage on the western side of the frontage, and two single-storey rear volumes, the eastern projection being longer. The dwelling would be finished in a light tone brick, with areas of timber panels to the terraces and metal cladding to the recessed third storey. Fenestration would be in bronze aluminium.
- 4.3. The plans have been amended since the initial submission to reduce the area of rooftop terrace at second floor.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of objection have been received, summarised as follows:
 - Too high, comes forwards of the existing building line

- Footprint of the proposed building substantially greater than the existing building
- Top floor terrace would result in overlooking towards neighbours
- Outdoor machinery could be noisy

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

6. CONSULTATIONS

6.1. **Arboriculture:** No comment received

6.2. **Brighton & Hove Archaeological Society:** No objection
The above application lies within an area of intense archaeological sensitivity.

The Brighton and Hove Archaeological Society would suggest that the Local Planning Authority contact the County Archaeologist for their recommendations.

6.3. **County Archaeology:** No comment received

6.4. **Environmental Health:** No comment received

6.5. **Sustainable Transport:** No comment received

6.6. **Urban Design:** Verbal comment - no objection
The design is of high quality, with a level of detail that exceeds similar new redevelopments in the area. It is a clean and modern design, contributing positively to the environment.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and appearance of the proposals, landscaping, the impact upon neighbouring amenity, standard of accommodation, sustainable transport, sustainability, ecology and archaeology.

Principle of Development:

- 9.2. There is no objection to the principle of constructing a replacement dwellinghouse with a larger footprint and greater internal floorspace than the existing building.

Design and Appearance:

- 9.3. The proposed dwelling would be of a substantially greater size than the existing building, with a greater height, bulk, width and depth. The proposed building would also be set slightly further forwards of the existing footprint, with the main bulk aligned with the existing front extension, and the proposed garage then projecting further southwards.

- 9.4. It is however considered that the plot is of a sufficiently generous size to accommodate these increases without appearing cramped or overdeveloped. The height of the main two-storey element would remain between that of the (rebuilt) neighbour to the west (which is on higher ground) and the neighbour to the east (on lower ground), thereby continuing the pattern of development scale. The height of the recessed third-storey element would similarly be set lower than that of the western neighbour. A separation of 3.1m (building to building) would be retained to the eastern side, with a greater distance of more than 9m to the west. It is acknowledged that the building would extend further southwards (forwards) than the existing footprint, but there is already variance in the southern building line and it is considered that the proposal would remain at a comfortable distance from the street.
- 9.5. The proposal would contribute to the eclectic mix of designs and juxtapositions between properties already evident on Roedean Way. Given the wide variety of designs present in the area, it is considered that this proposal would not adversely affect the diverse character and appearance of the wider street scene. Moreover, this area is not subject to any special protection. Views of the proposal from within the SDNP would be within this context and no harm in this respect is anticipated.
- 9.6. It is considered that the proposal represents a high standard of design and would be in accordance with Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two. Final details of the external materials to be used will be secured by condition to ensure a high-quality finish.

Landscaping:

- 9.7. The application includes detailed landscaping proposals, which include a wildflower meadow to the southern front garden area, and a courtyard garden and lawn to the rear. Forty new trees and 62m of hedges would be planted throughout, including on the site boundaries, with species chosen to be suitable for coastal conditions. Hard surfacing would be limited to the vehicle access and parking area to the front, and the courtyard areas to the rear. The proposal includes rebuilding the front boundary wall to a relatively modest height of between 1.1m - 1.6m, with a timber slatted access gate set back from the street.
- 9.8. The proposed landscaping proposals are considered to be acceptable, with the verdant character of the existing site retained and enhanced. The architect has confirmed that the proposed trees to the side boundaries have been specifically chosen so as to be suitable for such close proximity to the buildings.
- 9.9. Hard and soft landscaping details will be secured by planning condition.

Impact on Amenity:

- 9.10. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.11. To the eastern side, the proposed building would extend 1.6m closer to the boundary than the existing building, with 1.2m of spacing retained. The proposal would rise 1.9m above the existing eaves, with the third storey set significantly back from this side. There would be 3.1m distance between the proposal and the neighbouring dwelling itself, and 4.7m to the main building.
- 9.12. On the western side, the proposal would extend 5.2m closer to the boundary, with a spacing of 3.4m retained. There is only a minimal recess for the third storey on this side, which would rise 4.5m above the existing eaves. The distance between buildings would be over 9m.
- 9.13. The overall height of the proposal would be 2.2m higher than the existing ridge line.
- 9.14. In terms of depth, the main volume of the proposed building would be 7.8m deep, which is approximately 1m greater than the depth of the existing building. This is however set slightly forwards of the existing building. This also does not include the sizeable existing or proposed single-storey rear projections, however these elements are set into the rising hillside.
- 9.15. It is therefore clear that the proposed building would be substantially greater in height, bulk and width than the existing building, and would be modestly greater in depth.
- 9.16. The neighbours that would be most affected by the proposed development are those to either side at nos. 13 and 15 Roedean Way. Numbers 38, 40 and 42 Roedean Crescent to the rear would also be affected but to a lesser degree.
- 9.17. The relationship of the proposed building with no.13 (to the west) is considered acceptable. This neighbour is on higher ground but is four-storeys in height, with the ground floor excavated into the hillside. There are several side-facing windows but these are either secondary windows or serve non-habitable spaces. It is considered that there would be a comfortable separation distance between the two buildings relative to the heights of the buildings, and that this would be sufficient to avoid a significantly harmful impact in terms of overshadowing, sense of enclosure or overbearing impact.
- 9.18. The relationship with no. 15 (to the east) is closer and less comfortable, but is nevertheless still considered acceptable. The only side-facing fenestration at No.15 that would be affected is a dual-aspect corner window that primarily affords southwards sea views. This would suffer some increased enclosure and loss of daylight, however this is considered not to be to a significant degree. '45-degree' guidelines would not be breached for the primary southward element of this window. The lengthy rear projection to the eastern side of the site would be set away from the actual boundary and would be softened by the proposed boundary planting.
- 9.19. In terms of overlooking, the only proposed windows that face west are a doorway at ground floor and a secondary bedroom at first floor. Obscure glazing for this first-floor window is recommended to be secured by condition. High-level

windows at ground floor are proposed to the eastern side. These would be unlikely to afford meaningful views eastwards due to their height within the walls and the existing and proposed boundary treatments.

- 9.20. There are two proposed terraces - one at first floor facing south and a larger terrace at second floor wrapping around to the eastern side of the rooftop. Officers raised concerns regarding the potential impact of this larger terrace in terms of overlooking towards the eastern and northern neighbours, and the proposal has since been amended to reduce the size of this terrace by approximately 1/3rd. As amended, it would be set back by 2.5m from the rear edge and 1.2m from the side edge, with a green roof from the omitted areas. On this basis it is considered that the terrace would be unlikely to result in a significant impact in terms of noise disturbance or overlooking towards neighbours.

Standard of Accommodation:

- 9.21. The proposal would provide a generous internal living environment, well in excess of the Nationally Described Space Standard (NDSS). Habitable rooms would be well proportioned, with space for furniture and circulation and access to natural light and outlook. The site would provide substantial private outdoor amenity space.

Sustainable Transport:

- 9.22. The proposal is unlikely to result in a significant uplift in trip generation.
- 9.23. The proposals retain the existing vehicle access which is considered acceptable.
- 9.24. There would be space for two cars to park at the proposed dwelling.. This is above SPD14 maximum standards but is no greater than the existing arrangement and accordingly is not considered to be objectionable.
- 9.25. Secure, covered, convenient cycle parking for residents and visitors is indicated on the plans as being available within the front garage.
- 9.26. There is space on-site for refuse and recycling bins to be stored.

Sustainability:

- 9.27. The application includes an Energy and Sustainability Statement identifying that the proposal will achieve over a 60% reduction in expected CO2 emissions due to the incorporation of sustainability measures such as an air source heat pump (ASHP) and photovoltaic panels. This exceeds the building regulations requirement of a 31% reduction. The proposal also targets a water efficiency standard of 105 litres/person/day which is in excess of the local requirement of 110 l/p/d.
- 9.28. This document also details how the choices of building fabric and the design of the dwelling in terms of window sizes and orientations have been informed by the aim of maximising the sustainability credentials of the project.

- 9.29. These measures are welcomed in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two.
- 9.30. It is regrettable that more of the material of the existing dwelling would not be re-used, however it is noted that a Site Waste Management Plan will be prepared with a commitment to divert at least 90% of all construction/demolition waste away from landfill, noting that this is highly likely to be achieved, given the financial benefit of recycling rather than disposing of waste.

Ecology:

- 9.31. The application includes a Preliminary Ecological Appraisal (PEA) and Bat Survey which found that the proposed development would not directly impact any statutory or non-statutory site designated for nature conservation, and that no bats were seen emerging from the house. Some bats were however observed making occasional passes.
- 9.32. The proposal includes a Biodiversity Net Gain (BNG) assessment indicating that a BNG of greater than 10% will be achieved on site, in accordance with national requirements. This is primarily a result of the landscaping proposals, but other proposed ecological enhancements include bat and bird boxes.
- 9.33. Conditions requiring compliance with the precautionary measures identified within the PEA and bat survey, as well as requiring the inclusion of bee and swift bricks, are recommended 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, as well as section 7A of the Town and Country Planning Act in terms of securing Biodiversity Net Gain.

Archaeology:

- 9.34. The proposed development is located within an Archaeological Notification Area (ANA) and a number of notable finds have been discovered within Roedean including burials dating from the Neolithic and Early Bronze Age periods, a Roman coffin burial and an Early Bronze Age burial.
- 9.35. The proposal would involve extensive ground works to facilitate the replacement dwelling and, in the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. A suitably worded pre-commencement condition is recommended.

Other Considerations:

- 9.36. The proposal includes a number of proposed green roofs. A condition is recommended to secure details of these elements, including build-up and future maintenance.

10. CONCLUSION:

- 10.1. No objection is raised to the principle of the development. The proposal is considered to be a high-quality design that would make a positive contribution to the varied architectural character of the area. No significant concerns are held regarding any impact on neighbouring amenity on the basis of the amended plans. The ecological benefits and the sustainability credentials of the proposed dwelling are noted. Accordingly the application is recommended for approval, subject to conditions.

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. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 12.3. A planning condition securing compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) will be added to any planning permission.

PLANNING COMMITTEE

Agenda Item 34 Brighton & Hove City Council

NEW APPEALS RECEIVED 05/09/2024 - 02/10/2024

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK & ADELAIDE

BH2023/02565

Flat 2 121 Lansdowne Place Hove BN3 1FP
Replacement of existing timber framed single-glazed windows with uPVC double-glazed windows.

APPEAL IN PROGRESS

18/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM & HOLLINGBURY

BH2024/01208

47 Ladies Mile Road Brighton BN1 8TA
Installation of a single-storey powder coated aluminium framed structure with glazing to existing outdoor seating area (retrospective).

APPEAL IN PROGRESS

23/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2024/01174

Pavement Outside 65 - 75 West Street Brighton
BN1 2RA

Installation of "Pulse Smart Hub" with integrated digital screens.

APPEAL IN PROGRESS

27/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

REGENCY

BH2024/01175

Pavement Outside 65 - 75 West Street Brighton
BN1 2RA

Display of 2no (back-to-back) internally illuminated digital LED displays forming integral part of smart hub.

APPEAL IN PROGRESS

27/09/2024

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2024/01176

Pavement Outside 127 Western Road Brighton
BN1 2AD

Installation of "Pulse Smart Hub" with integrated
digital screens.

APPEAL IN PROGRESS

26/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2024/01177

Pavement Outside 127 Western Road Brighton
BN1 2AD

Display of 2no (back-to-back) internally illuminated
digital LED displays forming integral part of smart
hub.

APPEAL IN PROGRESS

26/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROUND HILL

BH2023/02478

Vere House 4 Vere Road Brighton BN1 4NR

Conversion from small house in multiple
occupation (C4) to create 2no. two-storey self-
contained dwellinghouses (C3), each with first
floor terrace. Erection of ground floor and first
floor extensions and alterations to fenestration.

APPEAL IN PROGRESS

05/09/2024

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROUND HILL

BH2024/01468

54 Richmond Road Brighton BN2 3RN

Energy efficiency measures to rear of property
comprising external wall insulation (EWI) and
replacement windows and doors, plus replacement
aluminium window to front of property.

APPEAL IN PROGRESS

24/09/2024

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE & POETS' CORNER**

BH2023/02311

145 - 151 Kingsway Hove BN3 4GR

Demolition of two pairs of semi-detached dwellings (C3) and erection of a nine storey building comprising 42 apartments (C3) together with associated parking and landscaping.

APPEAL IN PROGRESS

10/09/2024

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WEST HILL & NORTH LAINE**

BH2024/01172

Pavement Outside 17 Jubilee Street Brighton BN1 1GE

Installation of "Pulse Smart Hub" with integrated digital screens.

APPEAL IN PROGRESS

23/09/2024

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WEST HILL & NORTH LAINE**

BH2024/01173

Pavement Outside 17 Jubilee Street Brighton BN1 1GE

Display of 2no (back-to-back) internally illuminated digital LED displays forming integral part of smart hub.

APPEAL IN PROGRESS

23/09/2024

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 18/09/2024 AND 22/10/2024

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

GOLDSMID

APL2024/00059

70B Old Shoreham Road Hove BN3 6HJ

Erection of a two storey detached dwellinghouse (C3).

Against Refusal

APPEAL DISMISSED

BH2023/02239

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

KEMPTOWN

APL2024/00024

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.

Against Refusal

APPEAL DISMISSED

BH2023/02171

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

KEMPTOWN

APL2024/00051

22 St James's Street Brighton BN2 1RF

Alterations to shopfront. (Part retrospective).

Against Refusal

APPEAL DISMISSED

BH2023/00815

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

KEMPTOWN

APL2024/00055

5A Wyndham Street Brighton BN2 1AF

Erection of an additional storey to provide a self-contained one bedroom flat (C3).

Against Refusal

APPEAL DISMISSED

BH2024/00152

Delegated

WARD **MOULSECOOMB & BEVENDEAN**
APPEAL APPLICATION NUMBER APL2024/00039
ADDRESS 25 Wheatfield Way Brighton BN2 4RQ
DEVELOPMENT DESCRIPTION Change of use from 6no bedroom small house in multiple occupation (C4) to 7no bedroom large house in multiple occupation (Sui Generis) with relocation of entrance to the side.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/02941
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEAL APPLICATION NUMBER APL2024/00058
ADDRESS 236 Dyke Road Brighton BN1 5AE
DEVELOPMENT DESCRIPTION Conversion of existing dwelling to form 1no one bedroom flat and 1no two bedroom flat, alterations to existing garage to form habitable space including revised fenestration and installation of PV panels.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2023/02714
APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**
APPEAL APPLICATION NUMBER APL2024/00018
ADDRESS 50 Benfield Way Portslade BN41 2DL
DEVELOPMENT DESCRIPTION Demolition of existing garage and part of dwelling to facilitate subdivision of the plot and erection of 1no. two-storey, four-bedroom dwellinghouse to rear with associated landscaping and access.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/02615
APPLICATION DECISION LEVEL Delegated

WARD **WHITEHAWK & MARINA**
APPEAL APPLICATION NUMBER APL2024/00048
ADDRESS 11 Wilson Avenue Brighton BN2 5PA
DEVELOPMENT DESCRIPTION Erection of single-storey rear and side extension, removal of existing rear garden garage/store and associated hard standing, replacement windows to main house, removal of chimney stacks and increased parking area to front drive.

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/02688
<u>APPLICATION DECISION LEVEL</u>	Delegated
