

# Planning Committee

Date: **5 February 2025**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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# AGENDA

## 58 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.*

## 59 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meeting held on 8 January 2025.

## 60 CHAIR'S COMMUNICATIONS

## 61 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 30 January 2025.

## 62 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

## 63 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

**Public Speakers Note:** Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer 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](mailto:democratic.services@brighton-hove.gov.uk) (Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all).

### MAJOR APPLICATIONS

- |   |  |                |
|---|--|----------------|
| A | BH2024/00145 - Site Offices, Ground & First Floor, South Tennis Court, St Marys Hall, Eastern Road, Brighton - Full Planning | <b>17 - 32</b> |
|---|--|----------------|

### MINOR APPLICATIONS

- |   |   |                 |
|---|---|-----------------|
| B | BH2024/02477 - Withdean Sports Complex, Tongdean Lane, Brighton - Council Development - Full Planning | <b>33 - 48</b>  |
| C | BH2024/02268 - 132 Kings Road, Brighton - Full Planning   | <b>49 - 64</b>  |
| D | BH2024/02421 - 52 Brunswick Place, Hove - Full Planning   | <b>65 - 76</b>  |
| E | BH2024/02422 - 52 Brunswick Place, Hove - Listed Building Consent                                     | <b>77 - 86</b>  |
| F | BH2024/02584 - 6 St Aubyns Gardens, Hove - Full Planning  | <b>87 - 102</b> |

G	BH2024/00942 - Exton House, 4 Second Avenue, Hove - Listed Building Consent	103 - 112
H	BH2024/02777 - Coppers, The Green, Rottingdean, Brighton - Full Planning	113 - 124

## **INFORMATION ITEMS**

<b>64</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b> (copy attached).	<b>125 - 126</b>
<b>65</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b> (copy attached).	<b>127 - 128</b>
<b>66</b>	<b>APPEAL DECISIONS</b> (copy attached).	<b>129 - 130</b>

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](mailto:shaun.hughes@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

### **WEBCASTING NOTICE**

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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.

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### **FIRE / EMERGENCY EVACUATION PROCEDURE**

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- 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, 28 January 2025



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 JANUARY 2025**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Loughran (Chair), Allen (Deputy Chair), Earthey, Galvin, Nann, Robinson, Shanks, Thomson, Winder and Lyons (Substitute)

**Officers in attendance:** Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Planning Officer), Sonia Gillam (Senior Planning Officer), Vinicius Pinheiro (Assistant Planning Officer) and Shaun Hughes (Democratic Services Officer)

**PART ONE**

**49 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

49.1 Councillor Lyons substituted for Councillor Theobald.

**b) Declarations of interests**

49.2 There were none for this meeting.

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

49.3 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.

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

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

49.5 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'.

**50 MINUTES OF THE PREVIOUS MEETING**

50.1 **RESOLVED** – The minutes of the meeting held on 4 December 2024 were agreed.

**51 CHAIR'S COMMUNICATIONS****51.1 City Plan consultation**

The Council has launched the first stage of consultation on our City Plan which expires on 20 January. It is very important that residents, developers and agents respond to the consultation as the requirement to determine applications in accordance with the Local Plan has been made stronger under the Levelling Up and Regeneration Act 2024 ("the LURA").

Section 58 was inserted into the new Act which states that:

Local plans will be given more weight when decisions are made on applications so that there must be strong reasons to override the plan, providing communities with more certainty.

The same weight will be given to other types of plan, including neighbourhood plans prepared by local communities and spatial development strategies produced by Mayors or combined authorities.

The more feedback the Council receives from residents, developers and stakeholders the more informed Cllrs and officers will be regarding support for new and updated policies.

Policies should make clear where and in what circumstances new development can be supported so that more certainty can be given to the planning system with respect to decision making of applications. Certainty helps to speed up the planning process. Design guidance regarding proposals for some parts of the city will refer to design codes to indicate how design preferences and local character will be taken into account.

After this first consultation stage has been completed further consultation will be held on a full draft plan which will include draft policies and proposed site allocations. The next stage of the consultation is called "Issues and Options". We don't expect to get to that stage until early 2026. There is then a final stage to the consultation which includes the production of a Proposed draft Submission Plan which will be sent to the Planning Inspectorate for formal public examination.

We look forward to receiving feedback from the public. Please make your comments to the City Plan using the Council's on line portal Your Voice so that comments can be quickly and efficiently processed and filed under the correct topic. Your Voice – consultations and engagement.

**National Planning Policy Framework (NPPF) 2024**



The Government published a new National Planning Policy Framework in December 2024. This NPPF is aligned with the new statutory provisions of the LURA. It places great emphasis on increasing housing supply including affordable housing, and the release of land called grey belt where previously developed land on Green Belt is identified. In 2023/24 1,075 new homes were delivered in the city, the largest annual increase in the housing stock for at least 15 years.

The updated NPPF introduces changes to the standard methodology for calculating housing need. The revisions are significant and are in line with the pro-growth NPPF to drive forward the Government's commitment to rebuilding Britain, delivering 1.5m new homes during the current parliament along with critical infrastructure that underpins economic growth.

The Government has increased the housing need figure for Brighton & Hove from 2,333 to 2,498 homes per year. This target presents a significant challenge due to the constraints facing this coastal city with the South Downs National Park boundary tightly drawn around the urban area. Our new City Plan must robustly consider ways of increasing housing supply in the city.

NPPF headlines have also addressed changes to Green Belt policy, however, it is important to note that the City has no Green Belt and there is an even stronger emphasis on the value of brownfield redevelopment. There has been welcome clarification that while proposals for development on brownfield land should be approved unless substantial harm would be caused, this should not promote low quality unsustainable development. Most development in the city already takes place on brownfield sites with 88% of planned development in the current City Plan being on brownfield land.

We welcome the changes to the approach to affordable housing that remove prescriptive national requirements and give greater control to local areas. This means we can prioritise the delivery of more genuinely affordable homes to rent, including a clearer priority for social rent. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

### **Local Government Reform**

As part of local government reform, the LURA brought in new proposals for devolution. The Government issued an invitation to the Council to respond to its call for this reform on 19 December 2024. The Council is considering how these reform proposals which were published in a Government White Paper in December 2024 may affect our unitary Council. These reforms will in due course engage with a review of the Planning Committee structure and process. The Council will update the public on the consultation process about that in due course.

**52 PUBLIC QUESTIONS**

52.1 There were none.

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

53.1 There were no site visit requests.

**54 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

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

- Item C: BH2024/02461: 42 Waterloo Street, Brighton
- Item F: BH2024/02132: 14 Nicholson Place, Rottingdean

All other applications were called for discussion.

**A BH2024/02331 - 9 The Upper Drive, Hove - Full Planning**

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

**Speakers**

2. Ward Councillor O'Quinn sent a speech as follows: I am objecting to this planning application on behalf of local residents. It was disappointing to see yet another application to extend one of the 4 blocks of flats that make up 9 Upper Drive as there have been applications to extend both Block A and Block D since 2018. I know 9 Upper Drive well and I saw 2 other blocks of flats built on this section of Upper Drive which have created a very disjointed appearance as there are 2 detached houses between no 9 and the new blocks. The 2 new blocks appear to have encouraged applications for extra stories at no 9. To apply for yet another extension in height to accommodate 2 new flats at Block C does create a growing sense of dominance on Upper Drive. Opposite are 2 storey detached houses with one low level flat development which is attractive and fits in with the street scene as it's only 2 stories in height. The first section of the Upper Drive up to Caisters Close is also made up of detached houses with gardens - with a block of flats on the corner of Upper Drive and The Drive - so no 9 does stand out. The report states that the loss of light where there are windows facing the application site would be minor as the windows are small and are only for kitchens and bathrooms. There appears to be no proper survey of loss of light taken. I would argue that every window in a kitchen is very important as any loss of light can have a major impact on residents. There also appears to be a loss of sunlight to the relevant gardens and this is not considered to be of sufficient importance to refuse the application. I note that a parking survey was carried out in the early hours of the morning. This is at a time when visitors are likely to have left and only residents' cars remain. Also, it seems odd to choose Wilbury Villas as people in Block C would be far more likely to park in Wilbury Avenue or The Drive – where the parking is very definitely at maximum capacity these days. I think the parking report stating that there will probably only be one car is optimistic. I would ask that you refuse this application.

3. Edward Addison addressed the committee as the applicant and stated that the Design & Access Statement looked at the policies and they had not been breached. The critical issues of loss of light and parking were addressed. The Transport Report assessed the quantity of parking spaces and traffic movements and found both satisfactory. It was noted that there would be two new flats, but only one extra floor on top of the building.
4. The case officer stated that there would be one additional storey, which had a staggered appearance and was set back, there was no more room on site for parking and Highways were happy that on street parking could be accommodated.

Answers to Committee Member Questions

5. Councillor Earthey was informed that blocks A and D had been built lower as they were near existing residential dwellings but upward extensions were allowed at appeal for block D and following that decision, at planning committee for block A.
6. Councillor Lyons was informed that if the extension to block C was approved, block B would be the only one at a lower level. The case officer confirmed that the windows on existing flats that would be subject to additional overlooking related to non-habitable rooms, and the roof terrace will be set back with screening.
7. Councillor Robinson was informed that a light survey was not required.

Debate

8. Councillor Robinson considered the blocks of flats to be nice looking and the proposals will add to the appearance, not subtract. The councillor supported the application.
9. Councillor Allen stated they were a fan of increasing housing density and going higher was good to avoid the need to use greenfield land. The councillor supported the application.
10. Councillor Earthey considered it was inevitable that block B would be extended as well. The councillor supported the application.
11. Councillor Thomson noted the development was for one storey only. The councillor supported the application.
12. Councillor Winder considered the proposals to be no threat to the surrounding properties. The councillor supported the application.
13. Councillor Loughran considered the proposals to comply with policy and would not cause harm. The councillor supported the application.

Vote

14. A vote was taken, and the committee unanimously agreed to grant planning permission.

15. **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 BH2023/02742 - Les Reveurs, 17B Meadow Close, Hove - Full Planning**

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

Speakers

2. Ward Councillor Lyons addressed the committee and stated that the application is for one replacement property demolishing a bungalow and constructing a two-storey property instead. The councillor agreed with the recommendation to refuse for overdevelopment and an incongruous rear terrace that would overlook neighbouring properties. This is a new design different to the planning permission given in 2017. The proposal is overdevelopment in height, creating overshadowing and loss of privacy. The design does not fit in the Close and projects too far forward at the front.
3. Radek Vic address the committee as the applicant and stated that they had implemented all the requests made by the case officer and the bungalow was situated on a large plot next to large neighbouring properties. It was noted that the floor area of the development was not 414sqm as stated in the report but only 310sqm. The proposals will not be closer to the neighbouring properties. The front of the development will align with other properties.
4. Alan Phillips addressed the committee as the architect and stated that they had built similar properties in the area, and two had won awards. It was considered that the case officer claims were incorrect. There was no evidence to support the claim of being overbearing, or overlooking and loss of privacy. The 90-page design statement was not referenced in the case officer's report. No meetings had taken place with the case officer. The committee were requested to make a site visit.
5. The case officer stated that they had negotiated at length with the applicant, that the measurements were correct, and the proposals were a significant increase on the site, resulting in over-extending the property unacceptably, and beyond the previous permission. The scale of the development was mentioned in the report, which recommends a refusal. It was considered that other sites were not similar.

Answers to Committee Member Questions

6. Councillor Thomson was informed that a contemporary design was acceptable, however the bulk and appearance of this design in the street scene were not. The massing was too much and would cause harm to the amenities of the neighbours and the surrounding area. The bulk, mass and materials proposed result in the recommendation for refusal. The proposals are against policy. The majority of the road is open in appearance, the development proposed is too far forward and prominent in the street scene. The case officer confirmed that site visits had taken place, and the agent had been informed that the proposals were too much. The councillor was informed by the applicant that they had tried to address all requests by the case officer and the proposals were not on the boundary with the neighbour to the rear.

7. The Planning Manager noted that there was a hedge on the front boundary but this could be removed or reduced so could not be relied on to provide visual screening.
8. Councillor Shanks was informed that the amenity loss for neighbours was from a raised terrace to the rear which significantly increased overlooking. Screening had been introduced; however, overlooking was only part of the amenity concern in the reasons for refusal.
9. Councillor Nann was informed that the report findings regarding loss of light were the case officer's professional opinion not measured impacts.

#### Debate

10. Councillor Robinson considered there had been similar large, modern applications before the committee, however, they had more space around the building. The councillor considered the design was squeezing something into a place it did not belong.
11. Councillor Nann considered the neighbours' amenities were impacted and supported the case officer's recommendation for refusal.
12. Councillor Shanks had no problem with the development and considered the view of the massing to be subjective and the design good. The councillor stated they would vote against the officer recommendation and would approve the application.
13. Councillor Thomson stated they wanted to support development, just not this much as it impacted on the street scene. The councillor supported the case officer's recommendation.
14. Councillor Allen considered the site ripe for development but this design is not in line with spirit of DM18. ,. The councillor supported the case officer's recommendation.
15. Councillor Earthey considered the site to be underused, however, they agreed with the case officer's recommendation.
16. Councillor Winder considered a large property could overwhelm and this proposal was not suitable. The councillor agreed with the case officer's recommendation.
17. Councillor Loughran noted the development was against policy DM18 and others in the City Plan. The site was long and thin, the proposed large dwelling was out of keeping. The councillor supported the case officer's recommendation.
18. A vote was taken, and the committee voted 8 to 1 against that planning permission be refused. (Councillor Lyons took no part in the debate or decision-making process)
19. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

**C BH2024/02461 - 42 Waterloo Street, Brighton - Full Planning**

1. This application was not called for discussion, the officer recommendation was therefore taken as having been agreed unanimously.

**D BH2024/01873 - Studio Workshop at Rear 49 Elm Drive, Hove - Householder Planning Consent**

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

## Answers to Committee Member Questions

2. Councillor Robinson was informed that the development was already approved and the application before the committee today did not increase the property but sought minor amendments.
3. Councillor Shanks was informed that the applicant had made changes that were not approved, however, they were not considered to be more harmful.

## Debate

4. Councillor Lyons considered the changes to be reasonable as they were set back from the road and of a good design. The councillor supported the application.
5. Councillor Winder considered they had no choice but to approve the application, and they were concerned that more changes may be made in the future.
6. The Planning Manager assured the Members that they did not have to approve the application because it was retrospective, they could propose a refusal.
7. Councillor Robinson considered the neighbours would not be happy; however, it was good to get more housing. The councillor supported the application.
8. Councillor Earthey considered the applicant may make further changes; however, they supported the application.
9. Councillor Galvin considered the applicant had complied with the planning officers.
10. Councillor Loughran suggested the applicant should be careful and comply with the officer's recommendations. The councillor supported the application.

## Vote

11. A vote was taken, and the committee agreed unanimously to grant planning permission.
12. RESOLVED: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**E BH2024/00553 - 149 Surrenden Road, Brighton - Householder Planning Consent**

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

**Speakers**

2. Peter Lynton addressed the committee as an objecting neighbour and stated that the proposals included converting the garage 3m from the neighbour's property. The garage is on the boundary and reaches into the rear garden. The development will have a huge impact and will unnecessarily affect amenities.
3. James Cockle addressed the committee as the applicant and stated that the development will increase privacy and replace the current unattractive extensions. The two-storey dwelling offers more space. The proposed roofscape is similar to others and will include rooflights to the rear. The conservatory will be removed. The garage conversion could be carried out under permitted development. It was considered that the proposals, forming an attractive family home, would not affect the amenities of the neighbours. The committee were requested to approve the application.
4. The case officer noted that the proposals would not affect the views, which would remain similar to the existing. The glazing will be obscured by condition. The proposals were not considered harmful enough for a refusal.

**Answers to Committee Members Questions**

5. Councillor Loughran was informed that the garage was on the boundary and was 2.5m from the corner of the neighbouring property at 147.

**Debate**

6. Councillor Galvin considered the applicant had made the requested changes. The councillor supported the application.
7. Councillor Thomson supported the application.
8. Councillor Robinson considered the proposals were an improvement on the existing, bringing all the elements together. The councillor supported the application.
9. Councillor Allen noted that the conditions required obscure glazing and stated they supported the application.
10. Councillor Earthey considered the proposals a better use of the footprint and supported the application.
11. Councillor Loughran considered the proposals an improvement on the existing.

**Vote**

12. A vote was taken, and the committee unanimously agreed to grant planning permission.

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

**F BH2024/02132 - 14 Nicholson Place, Rottingdean - Householder Planning Consent**

2. This application was not called for discussion, the officer recommendation was therefore taken as having been agreed unanimously.

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

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

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

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

**57 APPEAL DECISIONS**

- 57.1 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.
- 57.2 The Planning Manager draw the committee's attention to the following Committee decisions for which the appeal decisions had been made by the Inspectorate:
- BH2022/02810 & 02809: St Agnes Church: Refusal Upheld
  - BH2024/00077: 34B Preston Park Avenue: Appeal allowed
  - BH2022/02492: Trafalgar Street, Brighton: Appeal allowed

The meeting concluded at 4.13pm

Signed

Chair

Dated this

day of



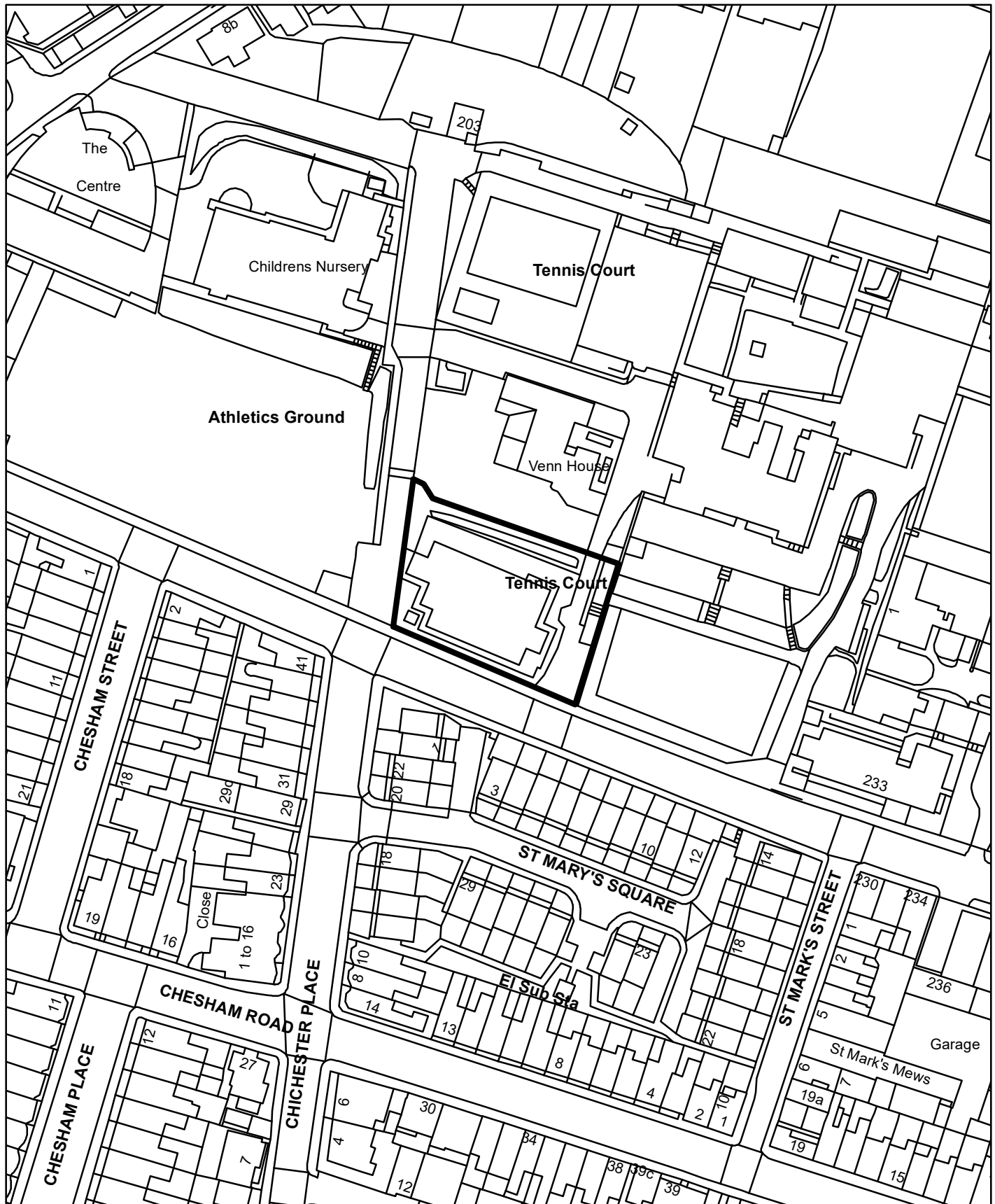
# **ITEM A**

**Site Offices, Ground and First Floor,  
South Tennis Court  
St Marys Hall, Eastern Road  
BH2024/00145  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



## Site Offices Ground And First Floor South Tennis Court, St Marys Hall



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/00145</b>	<b><u>Ward:</u></b>	<b>Whitehawk &amp; Marina Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Site Offices Ground and First Floor South Tennis Court St Marys Hall Eastern Road Brighton BN2 5JJ</b>		
<b><u>Proposal:</u></b>	<b>Retention of three storey modular building on existing tennis court and car parking area for continued use as construction site offices for the 3Ts hospital development for further five years.</b>		
<b><u>Officer:</u></b>	Ben Daines	<b><u>Valid Date:</u></b>	17.01.2024
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	17.04.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	26.06.2024
<b><u>Agent:</u></b>	BDP BDP 16 Brewhouse Yard Clerkenwell London EC1V 4LJ		
<b><u>Applicant:</u></b>	University Hospitals Sussex NHS Foundation Trust Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		

## 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	LOR-CO-SW-A00-PS-00-0501	P01	12 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0019	F01	22 March 2024
Block Plan	LOR-CO-SW-A00-PS-00-0502	P02	21 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0014	F01	12 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0015	F01	12 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0016	F01	12 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0017	F01	12 March 2024
Proposed Drawing	LOR-TW-ST1-A00-PL-00-0018	F01	12 March 2024
Other	Sustainable Drainage Report		12 March 2024
Other	Tree Schedule		12 March 2024

Other	Tree Protection Plan		12 March 2024
Proposed Drawing	B3T-LOR-PL1-01-03	AB1	25 October 2024
Proposed Drawing	B3T-LOR-PL1-01-01	AB1	25 October 2024
Proposed Drawing	B3T-LOR-PL1-01-02	AB1	25 October 2024
Proposed Drawing	B3T-LOR-PL1-01-04	AB2	25 October 2024
Report/Statement	MAINTENANCE PLAN		25 October 2024
Other	PHOTOMONTAGE OF BICYCLE STORE, BIN STORE, MATERIAL STORAGE, MAINS SUPPLY AND MDU		25 October 2024
Proposed Drawing	EXISTING SITE ACCOMMODATION LAYOUT		22 March 2024
Block Plan	LOR-CO-SW-A00-PS- 00-0503	P02	22 March 2024

2. Within five (5) years of the date of this permission the building hereby approved will be removed and the land restored to its former condition.  
**Reason:** The use hereby approved is not considered suitable as a permanent form of development and to comply with policies CP12 and CP15 of the City Plan Part 1 and DM18 and DM29 of the City Plan Part 2.
3. Within 6 months of the date of this permission, the maintenance works set out in the letter from the applicant, received 24 October 2024, shall have been completed to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM26 of the Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. Within 3 months of the date of this permission, the 98% privacy screening shown on drawing number B3T-LOR-PL1-01-01 RevAB1, shall be installed and thereafter retained as such.  
**Reason:** To safeguard the privacy of the occupiers of nearby properties and to comply with policy DM20 of the Brighton & Hove City Plan Part 2.
5. The temporary building hereby permitted shall not be used outside the hours of 0630 to 1900 on weekdays, 0700 to 1400 on Saturdays and shall not be used at all on Sundays or bank holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
6. The south facing windows at first and second floor level of the development hereby approved shall remain obscurely glazed.  
**Reason:** To safeguard the privacy of the occupiers of nearby properties and to comply with policy DM20 of the 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. SITE LOCATION**

- 2.1. The application site comprises a 3-storey modular building with smaller associated buildings to the north, located on the southern tennis courts at St Mary's Hall on Eastern Road. The site is bounded to the south by Eastern Road, and to the west by Brighton College Pre-prep School. Further west is the Royal Sussex County Hospital. To the east and north are the wider grounds of the Grade II Listed St Mary's Hall.
- 2.2. The southern boundary of the site is marked by a historic Grade II listed flint wall that is currently in relatively poor condition. To the south of Eastern Road are residential properties.
- 2.3. Access to the site is via Eastern Road and this also forms the main access into the wider St Mary's Hall site.
- 2.4. The site is located just to the north of the East Cliff Conservation Area.

## **3. RELEVANT HISTORY**

- 3.1. **BH2015/03148:** Erection of 3 storey modular building on existing tennis court and car parking area for use as construction site offices for the 3Ts for a temporary period of up to eight years. Approved 22 March 2016 (temporary permission to 1 April 2024).
- 3.2. **BH2024/02729:** Application to vary Conditions 1 (Approved Drawings), 3 (Plant Noise Levels), 26 (Surface Water Drainage Details, Stage 1), 40 (Acoustic Survey, Stage 2), 42 (Foul Water Disposal, Stage 2), 43 (Water Infrastructure Scheme, Stage 2), 44 (Surface Water Drainage Details, Stage 2) and 56 (Acoustic Survey, Stage 3) and remove Conditions 8 (Car Parking Numbers), 41 (Rainwater Recycling Scheme, Stage 2 Roof Terrace) and 47 (Level 6 Roof Terrace, Public Use) of planning permission BH2021/03056. (Part Retrospective) (The application includes an Environmental Impact Assessment). Under consideration.
- 3.3. **BH2021/03056:** Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure

including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. (Part retrospective to address non-compliance with Condition 2 (approved drawings) and Condition 10 (helipad height and design) of planning permission BH2011/02886. (The application includes an Environmental Impact Assessment). Approved 18 October 2022.

- 3.4. **BH2013/02411:** Removal of redundant external light fittings and installation of new lighting and column mounted external lights. (Part retrospective). Approved 23 September 2013

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

- 4.1. Retrospective permission is requested for the retention of the existing three storey modular building on the site for continued use as construction site offices and changing/welfare facilities for site contractors for the 3Ts development at the Royal Sussex County Hospital for a further five years. As noted above, the building was granted temporary consent in 2016, but this expired on 1 April 2024.
- 4.2. The building includes external staircases on the east and west elevations. In addition, it has an external walkway at first floor level along the southern elevation, and the site also incorporates associated lighting, bin stores, plant enclosure, materials storage and a cycle store. With the exception of the external staircases, none of these additions formed part of the original temporary consent so this application also includes the addition of the walkway, lighting, bin stores, plant enclosure, materials storage and cycle store.
- 4.3. The modular building is required for construction workers and members of the NHS Trust project management team during the construction of the Brighton 3Ts hospital development. It includes meeting rooms, workstations and changing facilities. The building provides working space for 140 members of staff and provides changing/welfare facilities for up to 400 construction workers.

#### **5. REPRESENTATIONS**

- 5.1. Objections have been received from four individuals raising the following issues:
- The building was originally proposed to accommodate 140 staff whereas now it accommodates 400 staff
  - The building is in use from as early as 5am, 7 days a week
  - The exterior of the building is in poor condition
  - The listed wall is in a poor state of repair and in danger of collapsing
  - The external staircase on the east elevation and raised walkway result in significant privacy impacts as people use it to chat and smoke



- The external lighting shines brightly into homes
  - External waste collection has been installed generating collection noise in early hours
  - Significant number of comings and goings associated with the modular building creating disturbance for nearby residents
  - The offices should be moved elsewhere
  - The offices should have already been removed
  - All the vehicles associated with the building pose a risk to children using the swimming pool.
- 5.2. One letter in support of the application has been received stating the following:
- It is for the greater good that the applicants keep using the same building as it will help finish the project sooner.
- 5.3. Full details of the representation received can be found online on the planning register.

## 6. CONSULTATIONS

- 6.1. Environmental Health: No objection
- 6.2. **Heritage:** Object on the following grounds:  
Due to the very poor state of the building, it was clearly not intended to last as long as it has and no attempt appears to have been made to maintain it. To grant consent for a further 5 years would result in it becoming semi-permanent and its decayed appearance would only grow significantly worse during that time. The building does not appear to be built to be durable. It must be assumed that its appearance will continue to decay and become more harmful to its historic setting.
- 6.3. This grim three storey portacabin harmfully dominates views of the grade II listed St Mary's Hall and wall and therefore cause harm to the character and setting of the listed buildings and the conservation areas and is unacceptable on heritage grounds.
- 6.4. Sustainable Transport: No objection

## 7. MATERIAL CONSIDERATIONS

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

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

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

DM9	Community Facility
DM18	High quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and heritage; impact on residential amenity; and sustainable transport.

### **Principle of Development**

The temporary building is used by construction workers and members of the NHS Trust project management team in connection with the construction of the 3Ts development at the Royal Sussex County Hospital. It therefore helps

to facilitate the overarching aims of Policy DA5 (Eastern Road and Edward Street) of the City Plan Part One which supports the redevelopment/enhancement of the Royal Sussex County Hospital. Therefore the temporary building indirectly contributes to the public health benefits of providing an improved hospital. Whilst it is acknowledged that the building would be in situ for significantly longer than originally anticipated if this further temporary permission were to be granted, it should be noted that the 3Ts development is progressing with Stage 1 (the Louisa Martindale building) now complete and the Barry Building recently demolished to accommodate the Stage 2 Cancer Centre (an application for which has recently been submitted and is under consideration (ref. BH2024/02729)). The requirement for the building to remain for another 5 years is not arbitrary but aligns with the current timetable for completion of the 3Ts development. Therefore, it is considered that the principle of retaining the building for another 5 years is acceptable and would support the redevelopment of the hospital site with the associated benefits to the health of the city's population.

- 9.2. Paragraph 101 of the NPPF is clear that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. As set out above, the temporary building helps to facilitate this upgraded public infrastructure by providing facilities for construction works and NHS Trust staff.
- 9.3. Objections received from local residents have suggested that the building could be relocated within the main hospital grounds and potentially the new basement car park under the Louisa Martindale building. However, this is an operational car park and the loss of a significant part of this car park for the next 5 years would be likely to have significant transport impacts in the area given the already limited availability of visitor parking within the hospital. There are a very few additional locations within the hospital grounds that the building could be relocated to and any potential relocation would be costly and likely to result in delays to the 3Ts construction programme, and likely to come with its own impacts.

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

- 9.4. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development that affects a conservation area or its setting, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.5. The temporary building is three storeys in height with a flat roof and has a basic utilitarian appearance. It is located in a relatively prominent position adjacent to Eastern Road and is considered to be unsympathetic to the Grade II listed St Mary's Hall, the grade II Listed flint wall on the southern boundary of the site, and the East Cliff Conservation Area to the south, and would be

unsuitable as a permanent structure. The building is also in a relatively poor condition with peeling paint and water ingress.

- 9.6. To address concerns regarding the current condition of the building, the applicant has submitted a maintenance plan with the planning application which includes repainting the building, works to prevent water ingress, and other enhancement works. A condition would be attached to any temporary consent to ensure that these maintenance works are carried out within 6 months of any planning consent. This would ultimately only provide a relatively short term benefit but on the basis that the building is temporary and will be removed within 5 years it is considered that, in line with paragraph 208 of the National Planning Policy Framework (NPPF), the less than substantial harm caused to nearby heritage assets and their setting as a result of the temporary building would be outweighed by the public benefit associated with it which helps to facilitate the improvement/redevelopment of the County Hospital.
- 9.7. Temporary planning permission is also sought for the addition of the southern walkway, which is in situ but was not part of the original application. More solid screening to the walkway is proposed as part of this application in place of the existing netting.
- 9.8. Whilst the proposed walkway screening would be more prominent than the existing netting, it would have a limited impact on the overall appearance and character of the building and these changes are considered acceptable in this regard.
- 9.9. Temporary planning permission is also sought for bin stores, plant enclosure, materials storage and cycle store. These are located to the north of the building and therefore not visible on the streetscene. Given their temporary nature and overall lack of visibility, they are considered to be acceptable on a temporary basis.
- 9.10. It is therefore not considered that the temporary building would conflict with the NPPF or relevant policies in the City Plan.

#### **Impact on Amenity**

- 9.11. Policy DM20 of the CPP2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.12. There are a number of residential properties on the south side of Eastern Road, in relatively close proximity to the temporary building and objections have been received from four individuals regarding the application.
- 9.13. One of the main concerns raised is the impact on privacy. Since the original temporary consent for the building in 2016, an external walkway at first floor level has been added to the south elevation which objectors say is used frequently by people working in the building for smoking or speaking on mobile

phones, allowing views into the residential properties on the other side of Eastern Road. There is currently netting to about 1.8m high above part of the walkway but views can still be obtained through this netting and so it does little to restrict views into residential properties. The applicant has therefore proposed replacement 2m high netting providing 98% privacy to ensure the privacy of the residential properties on the south side of Eastern Road is retained. Additionally, netting is proposed along the full southern extent of the external staircase on the eastern elevation of the building which objectors also report is regularly used by contractors for smoking and telephone conversations. This netting would be secured by condition. It is therefore considered that the proposed netting will satisfactorily address privacy concerns.

- 9.14. Concerns have also been raised regarding lighting at the site. The main concerns appear to relate to a lighting column to the east of the building. However, this lighting column was granted planning permission in 2013 before the temporary building was constructed so cannot be considered as part of this current planning application. Additional security lighting is proposed to be retained as part of this application, but these are lights on the internal sides of the external walkway, facing towards the temporary building. These lights generally only come on at night during security checks of the building and are not considered to be particularly harmful or intrusive to neighbouring residents.
- 9.15. Other concerns raised relate to general comings and goings associated with the use of the building by around 140 NHS staff and up to 400 site workers (who use the building for changing/welfare facilities), collection of refuse, and other vehicular related movements associated with the use of the building. It is acknowledged that such an intensive use of the building would have an impact on nearby residential properties and is unlikely to be considered suitable if the building was permanent. However, any impacts on neighbouring properties must be weighed against the temporary nature of the building and its facilitation of the redevelopment and improvement of the County Hospital which brings significant wider public benefits as set out above.
- 9.16. It should be noted that no objection has been received from the Council's Environmental Health Team.
- 9.17. On balance, it is therefore considered that the impact on the residential amenity of neighbouring properties as a result of comings and goings is not considered so harmful as to warrant a refusal of temporary consent, subject to a condition that the building is not used before 6.30am or after 7pm on Monday to Friday or before 7am and after 2pm on Saturday (with no Sunday or bank holiday use). It is noted that representations have reported that the building is currently sometimes used as early as 5am. The building is not currently subject to any time restrictions, so this is considered a benefit of this permission, allowing additional mitigation to reduce impacts on local residents.

### **Sustainable Transport**

- 9.18. City Plan Policy CP9 seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life.
- 9.19. Policy DM33 requires that new developments are designed in a way that is safe and accessible for all users and encourages the greatest possible use of sustainable and active forms of travel. DM35 sets out the standard and scale of information required in assessing Highways impacts. DM36 sets standards for parking and servicing of new development.
- 9.20. There is no vehicular parking on the application site. However, the NHS Trust offers a minibus service from/to a remote park and ride facility for site workers. The site also has good access to bus services and incorporates a modest secure cycle store on the northern side of the building. Eastern Road has parking controls in the form of double yellow lines and streets within the vicinity of the site are designated Controlled Parking Zones (CPZs) so overspill parking can be managed. There are some vehicular movements associated with the site including the collection of waste and other associated movements, but the Local Highway Authority have raised no objection to the proposal on highway grounds. It is therefore not considered that the proposal would warrant a refusal on this basis or conflict with City Plan policies.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. As set out in this report, the principle of the retention of the temporary building for another five years is considered acceptable given it supports the main aims of Policy DA5 of the City Plan Part One by providing changing/welfare facilities for the contractors involved in the construction of new/replacement health facilities at the hospital. This in turn provides a public benefit by indirectly supporting the improvement of health outcomes in the City through an improved hospital.
- 10.3. Whilst it is acknowledged that the building's appearance is unsuitable for a permanent development, given the building is temporary, its harm to the streetscene and the setting of adjacent listed buildings and the wider Conservation Area is considered to be limited.
- 10.4. The impacts on neighbouring residential properties can be mitigated through suitable conditions relating to the provision of privacy screens and restricting hours of use.
- 10.5. It is also considered that the building does not have an unacceptable impact on highway safety, and the impacts on the road network are not severe.

- 10.6. It is therefore considered that the proposal complies with national and local planning policies and temporary planning permission is therefore recommended subject to the conditions set out within this report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, the proposed use would not be CIL rated so it is anticipated that there will be no CIL charge for the development.

## **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 through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.





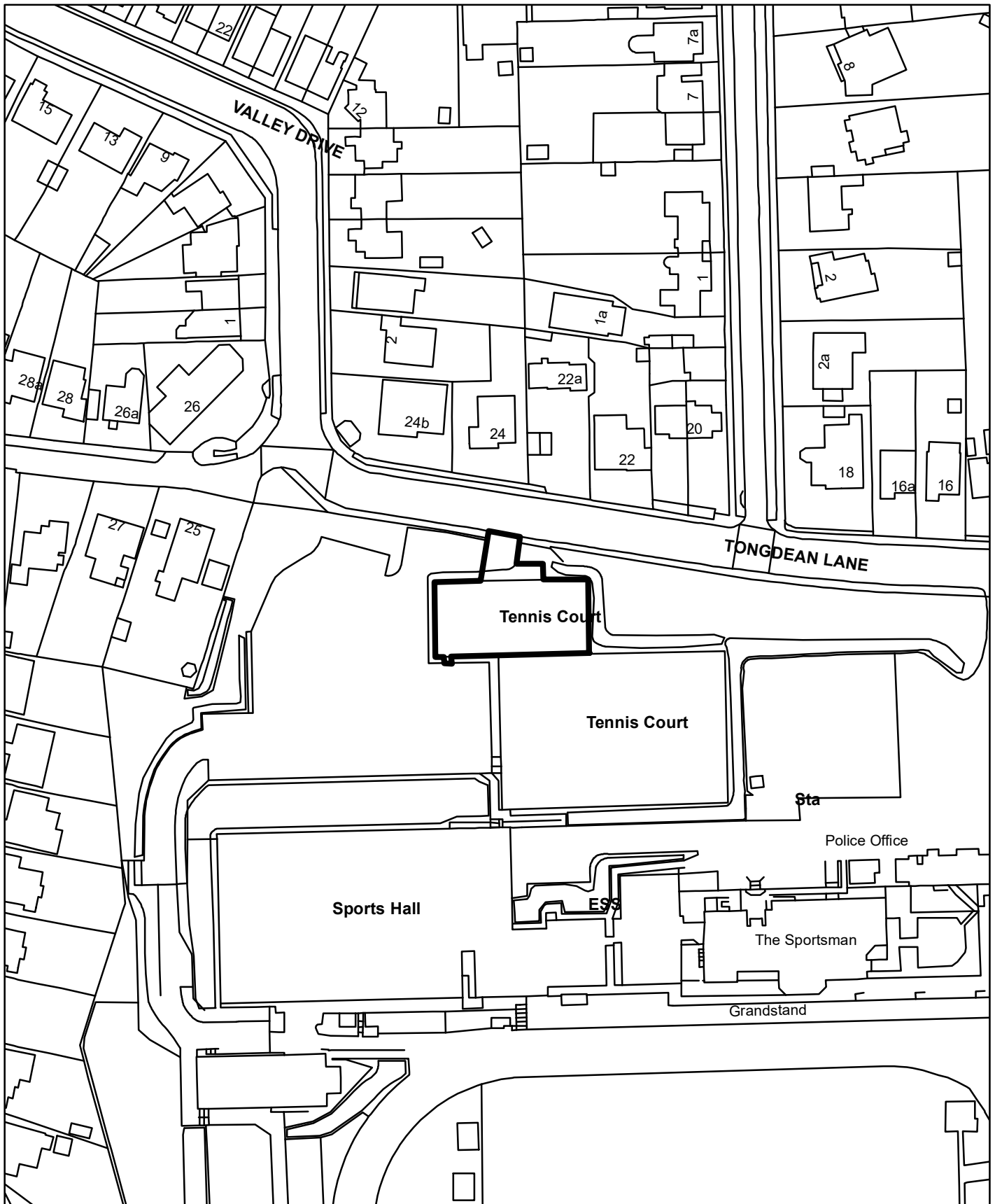
## **ITEM B**

**Withdean Sports Complex, Tongdean Lane  
BH2024/02477  
Council Development (Full Planning)**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



# BH2024 02477 - Withdean Sports Complex



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/02477</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Withdean Sports Complex Tongdean Lane Brighton BN1 5JD</b>		
<b><u>Proposal:</u></b>	<b>Re-surfacing of tarmacadam MUGA (Multi Use Games Area) sports pitch. Replacement of existing 2700mm height chain link fencing with 3000mm height 'duo-8' fencing. Painted line-markings and surface colour of pitch changes. Installation of new floodlights, mesh wind-screening, storage container and wheelchair access.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	01.11.2024
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	27.12.2024
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 4AH		
<b><u>Applicant:</u></b>	Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 4AH		

## 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	000		21 January 2025
Proposed Drawing	002		22 November 2024
Proposed Drawing	003		22 November 2024
Proposed Drawing	004		22 November 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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP), shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4.

- i) Prior to the installation of the floodlighting hereby approved, details including levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance shall be submitted to the Local Planning Authority for approval in writing.
- ii) Prior to first use of the floodlighting hereby approved, the predicted illuminance levels (as agreed under part i) of this condition) shall be tested by a competent person to ensure that they are achieved. Where the predicted levels are met, confirmation shall be demonstrated to the Local Planning Authority for approval in writing. Where predicted levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated, and maintained in accordance with the approved details and thereafter retained.

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

5. The development hereby permitted shall not be used except between the hours of 07:00 and 22:00 on Mondays to Fridays, and except between the hours of 08:00 and 22:00 on Saturdays, Sundays and Bank or Public Holidays.

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

Informatives:

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

## 2. SITE LOCATION

- 2.1. The application relates to an existing multi-use-games-area (MUGA) at Withdean Sports Complex, at the northern side of the curtilage of the Complex. The MUGA measures 36.5m by 18.5m and is bounded by a chain-link fence of 2.7m height. There are four existing floodlights set on columns rising to a height of 10m.

- 2.2. The upper car park for the Sports Complex lies to the west of the MUGA, with vehicular access from the Tongdean Lane site entrance to the north of the site. Between the site and Tongdean Lane there are several mature trees and a timber boundary fence. A second, larger MUGA (with fencing and floodlights) adjoins the site to the south, and there is an area of soft landscaping to the east, also within the Sports Complex curtilage, and the lower car park beyond.
- 2.3. Beyond the Sports Complex, there are residential properties on the opposite side of Tongdean Lane to the north, and on Tongdean Lane and Shepherds Croft to the west. The railway line embankment is to the far east and the Withdean Woods Local Nature Reserve is to the far south, but in both cases with considerable separation from the site.
- 2.4. Although long established as a MUGA, the site recently hosted a temporary padel court with a purpose-built inner enclosure. This court and enclosure have since been removed from the site.

### 3. RELEVANT HISTORY

- 3.1. None identified for the area of the Withdean Sports Complex to which this application relates.

Within the wider Withdean Sports Complex:

- 3.2. **BH2022/03439** - Creation of a small-sided football facility with 4no. pitches, improved drainage and associated features including ball stop fencing and entrance gates, a storage container, 16no. LED floodlights, 3no. covered spectator shelters, cycle parking, hard-standing areas and vehicular access. Approved 08/06/2023
- 3.3. **BH2022/02972** - Erection of 3no. canopy-covered padel tennis courts incorporating 12no. floodlights and associated works. Approved 06/07/2023

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for:
- Replacement of the existing tarmac MUGA surface with porous tarmacadam
  - Replacement of the existing 2.7m high chainlink fencing with a 3m high wire mesh fence with wind-screening
  - Replacement floodlights on relocated 10m high columns
  - Installation of a storage container to the north of the MUGA
- 4.2. The MUGA would remain as a multi-use facility.
- 4.3. Amended plans have been received to correct inconsistencies of the heights of the proposed floodlight columns, to adjust the location of the proposed container and to correct the site boundary.

## 5. REPRESENTATIONS

- 5.1. **Fifteen (15)** letters of objection have been received, summarised as follows:
- Previous padel court caused nuisance, pickleball courts are also noisy
  - No noise impact assessment carried out
  - Inappropriate use for the area
  - Visual impact of proposed new surface and container
  - Damage to trees
  - Inconsistencies on the drawings
  - Surface water flooding concerns
  - Loss of property value
- 5.2. **Sixteen (16)** letters of support have been received, summarised as follows:
- Improved sports facilities welcomed
  - Pickleball is a growing sport and there are no other suitable facilities in the city
- 5.3. Full details of representations received can be found online on the planning register.
- 5.4. **Councillor Lyons** has submitted a letter of neutral comment. A copy of the representation is attached.

## 6. CONSULTATIONS

- 6.1. **Environmental Health:** No objection  
The refurbishment works could generate noise, vibration and dust, potential sources of these issues need to be identified, and adequate mitigation put in place to reduce disruption to residents in the area.
- 6.2. The applicant should be aware that the choice of playing surface is critical to managing noise issues arising from some kinds of sporting activities and there could be conflicting requirements between sports. For example, the harder macadam surfaces usually preferred for tennis amplify the sound of harder plastic pickleball balls bouncing off the ground and a rubber/foam type court surface may better minimise these sounds.
- 6.3. The new light installation should be designed to provide the right amount of light for the level of play and illuminate only the area desired.
- 6.4. **Sustainable Transport:** No objection
- 6.5. **Tourism and Leisure:** No objection
- 6.6. **Sussex Police Community Safety:** No objection  
No concerns or comments to make from a crime prevention viewpoint.



## **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, revised October 2024);
  - 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
CP12	Urban design
CP17	Sports provision

#### Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM43	Sustainable Drainage

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the proposals and the impact upon neighbouring amenity.

### **Principle of Development:**

- 9.2. Withdean Sports Complex is a large leisure centre providing a wide range of indoor and outdoor facilities for public use. The Sports Complex is recognised as a major sporting venue within Policy CP17 Brighton & Hove City Plan Part

One and is identified as the location of the 'North Hub' in the Brighton & Hove City Council Sports Facilities Investment Plan (2021-2031).

- 9.3. The Multi-Use-Games-Area (MUGA) to which this application relates is an established part of the Sports Complex and forms part of the existing offer of outdoor sports facilities.
- 9.4. The proposals comprise the upgrading and refurbishment of the MUGA. The proposal does not include any change of use, nor is any enlargement or relocation of the MUGA proposed.
- 9.5. The enhancement of the outdoor sports facilities and spaces at Withdean Sports Complex would be in accordance with the aims and objectives of Policy CP17 and would be supported in principle.

**Design and Appearance:**

The proposed alterations comprise:

- Replacement of the existing 2.7m chainlink fencing with 3m wire mesh fencing with wind breakers
  - Replacement of the four existing 10m floodlight columns with four 10m columns in the MUGA corners
  - Installation of a 2.6m high container to the north of the MUGA for storing sports equipment
  - Replacement of the existing tarmac surface with a porous tarmac
- 9.6. The proposed replacement fencing would match the fencing on the neighbouring tennis courts in terms of height, colour (dark green) and the inclusion of wind breakers. The replacement would be of a modestly greater height (0.3m greater) than the existing chainlink fencing, and the inclusion of wind breakers would increase its visual solidity. However, the height, colour and appearance of the proposed fencing is considered appropriate for this leisure centre location, and it is considered that this element of the proposals would not result in any harm to the appearance or character of the site.
  - 9.7. The proposed floodlight columns would be of the same number and height as the existing columns and would be of the same slender profile. The location of the replacement columns on the corners of the MUGA, rather than on the northern and southern sides, is not anticipated to meaningfully impact the appearance of the site.
  - 9.8. The proposed storage container would in a dark green colour and would be located between the MUGA and the raised bank of Tongdean Lane. Visibility of the container from outside the site would be limited due to this bank, the boundary fence and the mature tree screening. Whilst somewhat utilitarian, it is considered that the container would not harm the appearance of the site or wider area.
  - 9.9. The existing MUGA surface is a black/grey tarmac, and the proposed surface is indicated to be a porous tarmac in a green and purple finish. This would match

the finish of the larger MUGA adjoining to the south and would not be objectionable in terms of design and appearance.

- 9.10. The proposals are therefore considered acceptable in terms of design and appearance.

**Impact on Amenity:**

- 9.11. 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.
- 9.12. Withdean Sports Complex is an established indoor and outdoor sports facility and from the outset it should be noted that the proposals relate to an existing Multi-Use-Games-Area which already forms part of the outdoor sports offer of the site. The use of the MUGA for the playing of outdoor sports is therefore established and does not form part of the considerations for this application.
- 9.13. Whilst it is recognised that activity on the MUGA would likely be audible from nearby residential dwellings, it is not unreasonable to expect there to be some level of noise arising from a public leisure centre, particularly with outdoor sports facilities. The proposals would not enlarge the MUGA, nor would the MUGA be moved any closer to neighbouring dwellings. The MUGA is already floodlit. It is therefore considered that the proposed development would not result in an increased impact compared to the activity that could take place on the site currently.
- 9.14. It is also recognised that the range of different sports played on the MUGA could result in different levels and types of noise, depending on the character of the sport and the equipment being used. However, the range of different sports that could be played is not currently subject to any restriction, and the proposal is for the MUGA to remain as a multi-use space. It should be noted that the configuration of the painted line markings is outside the remit of the Planning regime, and the markings indicated within the drawings are considered as being for information purposes only. If in the future the operator of the Sports Complex were to revise the line markings, this would not require planning permission. It is therefore considered that restricting the types of sports that could be played on the MUGA would not be necessary or reasonable.
- 9.15. The proposed hours of use of the MUGA are from 7am-10pm Mondays to Fridays and from 8am-8pm on Saturdays, Sundays and bank holidays. This is considered acceptable, aligning with the permitted opening hours of the sports complex and other recent developments on the wider site such as the new football pitches and padel courts.
- 9.16. The applicant has confirmed that the replacement fencing would include noise dampening fittings. This would be an improvement on the existing fencing which does not include noise dampening.

- 9.17. It is therefore considered that the proposal would be acceptable in terms of any resultant noise disturbance. It should however be noted that the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.18. The modestly increased height of the fencing would be unlikely to result in any significant impact on neighbouring amenity. The fence would be a lightweight structure with good visible permeability and would be set on lower ground than the nearest residential neighbours which are on the opposite side of Tongdean Road to the north. The more visually solid windbreak membrane would not reach to the full height of the fence. The proposed floodlight columns would be of the same height and number as the existing columns. The revised locations would not be significantly closer to sensitive neighbours and the profile of the columns remains slender. No impact in terms of overshadowing or loss of light is therefore anticipated.
- 9.19. No significant concerns are held regarding potential light spill from the new floodlights, subject to a condition securing the submission of light spill details to the LPA for approval, prior to first use to ensure that the floodlighting complies with industry guidance in accordance with the comments of the Environmental Health team. The proposed luminaires would be equal in number and height to the existing floodlights and would be more modern LED versions enabling a more efficient light spread. The relocation of the floodlight columns to the corners of the pitch would not bring the luminaires closer to the nearby residential dwellings, and it is noted that there is already a high amount of floodlighting across the rest of the site.

**Other Considerations:**

- 9.20. It is considered that there are no significant transport implications for the proposed development, as the proposal relates to an existing MUGA that forms part of the current sports offer. There is unlikely to be a material change in the demand for car or cycle parking on site as a result of the replacement fences and floodlighting.
- 9.21. It is noted that the comments of the Environmental Health consultee have requested that conditions be attached to secure details such as a Construction Environmental Management Plan (CEMP) and a Noise Management Plan.
- 9.22. However, national planning guidance makes clear that planning conditions should only be used where six tests are satisfied. These tests include that conditions must be reasonable, necessary and relevant to the development to be permitted.
- 9.23. In this case, the proposed development that is requiring planning permission comprises the replacement MUGA surfacing, the replacement fencing, the replacement floodlights and the storage container. These operations are of a relatively minor scale, with ready access available from the vehicular site entrance onto Tongdean Lane. It is therefore considered that a CEMP would not be reasonable or necessary to secure in this case and it is noted that the council Transport Team has not raised site access during works as a concern. As the

proposed development does not include any enlargement, relocation or intensification of the use of the MUGA, it is considered that a Noise Management Plan would similarly not be reasonable, relevant or necessary to secure in this case.

- 9.24. The proposed storage container would be located nearby to the mature tree planting on the northern boundary of the site, providing screening onto Tongdean Lane. The container would be mounted on blocks with no excavation proposed. The Council's Arboriculture team have reviewed the proposal and have raised no objection to the container, with the ground on which it is to be placed comprising a soil/gravel mix that is unlikely to have any significant root volume that might be impacted by the weight of the container. In accordance with the Arboriculture comments, a condition is attached to secure protection measures for the retained trees.
- 9.25. The proposals include the relocation of the pedestrian access gate to the MUGA a short distance to enable step-free access. This is supported from an accessibility perspective.
- 9.26. The replacement of the existing non-porous surface with a porous tarmac would help to improve drainage across the site.
- 9.27. The concerns raised in some of the public representations regarding potential noise disturbance are noted. In particular, the matter of the previous use as a padel court and concerns regarding future use for playing pickleball.
- 9.28. It is noted that a temporary padel court built within the MUGA was previously found to be a cause of harmful noise nuisance. It is understood that this padel court included a purpose-built inner enclosure and that this was the likely source of much of the identified noise. This temporary padel court has since been removed from the site, with three permanent padel courts having been granted planning permission under BH2022/02972 in a revised location.
- 9.29. The application states that the intention is for the MUGA to remain as a multi-use facility rather than to be dedicated to any particular sport. Moreover, the actual sports that are offered for play on the MUGA are a matter for the Sports Complex operator. The MUGA could be marked up and used for playing pickleball without the development proposed as part of this application.

## **10. CONCLUSION**

- 10.1. The proposed enhancement of the sports facilities at Withdean Sports Complex would comply with Policy CP17 of the City Plan Part One and is supported in principle. No concerns are held regarding the design and appearance of the proposals, and no significant impact upon neighbouring amenity has been identified. Accordingly, the application is recommended for approval, subject to conditions.

### **Biodiversity Net Gain**

- 10.2. 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;

## **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.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

**Cllr. Ivan Lyons**

**BH2024 02477 - Withdean Sports Complex**

#### **16th November 2024:**

Stance: Customer made comments neither objecting to or supporting the  
Planning Application

Comment Reasons:

- Noise

Comment: Residents close to the proposed court have raised concerns about the  
additional noise that the courts will relay & what additional noise abatements will  
be undertaken.





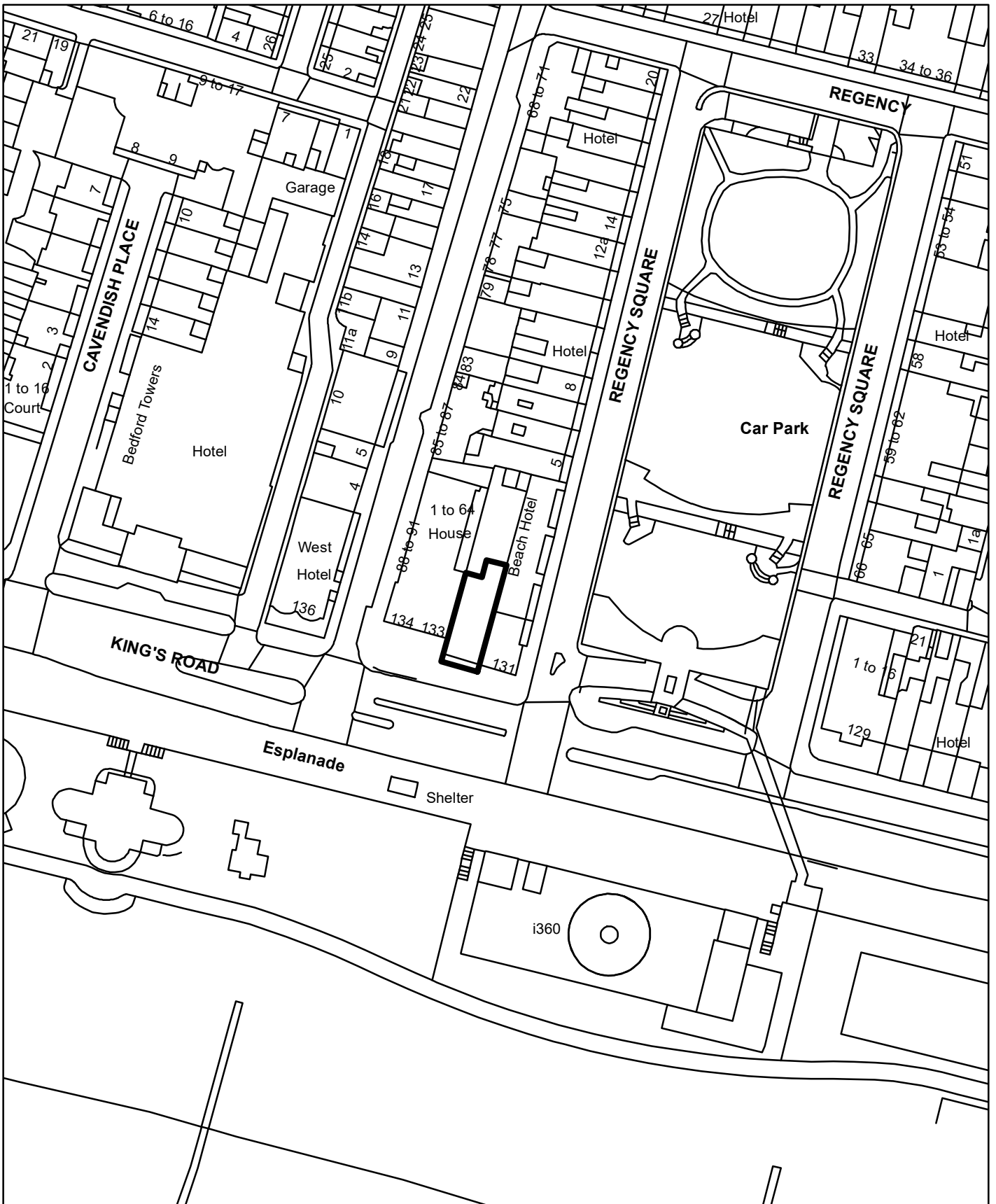
# **ITEM C**

**132 Kings Road  
BH2024/02268  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



# BH2024 02268 - 132 Kings Road



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>App No:</u></b>	<b>BH2024/02268</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>132 Kings Road Brighton BN1 2HH</b>		
<b><u>Proposal:</u></b>	<b>Alterations and refurbishment to building to include a roof extension, stone balustrade to front elevation and revised fenestration to both front and rear elevations.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	18.10.2024
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	12.12.2024
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	12.02.2025
<b><u>Agent:</u></b>	Michael Wilson Restorations Kent House 81 High Street Cranleigh Surrey GU6 8AU		
<b><u>Applicant:</u></b>	Rapido Services Weytots Wey Lane Addlestone Surrey KT15 3JR		

## 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			16 September 2024
Block Plan			16 September 2024
Proposed Drawing	112/150/07		13 January 2025
Proposed Drawing	112/150/08		16 September 2024
Proposed Drawing	112/150/09		16 September 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. Access to the third-floor roof terrace of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

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

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18, DM21, DM26, DM29, CP12 and CP15 of the Brighton & Hove City Plan.

5. All new finishes and works of making good to the retained fabric of the building shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with DM26, DM29 and CP15 of the Brighton & Hove City Plan.

6. No refurbishment of the existing windows shall take place until full details of all new sliding sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The replacement windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26, DM29 and CP15 of the Brighton & Hove City Plan.

7. The works to the balustrade hereby permitted shall not be commenced until elevation and section drawings at a 1:20 scale, and 1:5 scale, plus detailed specifications of the construction, materials and finish of the balustrade have been submitted to and approved in writing by the Local Planning Authority. The balustrade shall match the original balustrade in terms of materials, design, parapet level, shape and cornicing, as far as is evident from historic photographs. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with DM26, DM29 and CP15 of the Brighton & Hove City Plan.

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

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

d) samples/details of all other materials to be used externally  
Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with DM26, DM29 and CP15 of the Brighton & Hove City 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. 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 late 18th century, four-storey building on the main seafront road in Brighton, incorporating a restaurant at ground floor level with residential accommodation above. The ground floor of the building and two storey additions to the rear historically housed a cinema that was in operation between 1896 and the 1950s.
- 2.2. The building itself is not listed, however it is sited within the Regency Square Conservation Area and is flanked by a Grade II\* listed building to the east (131 Kings Road) and a locally listed building to the west (Astra House, 133-134 Kings Road).
- 2.3. The application site has been significantly and harmfully altered by the addition of a first-floor enclosed glazed veranda projection, a modern shop front and the replacement of windows in uPVC, as well as the loss of the original pitched roof. The building's architectural interest has been significantly compromised however it retains historic interest as a reminder of the early history of this area.

### 3. RELEVANT HISTORY

- 3.1. **BH2023/03417** Erection of an additional storey to create 1no two-bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation. Refused by Planning Committee 12.06.2024 for the following reasons:
1. *The scheme would result in an unacceptable loss of light to neighbouring residents, contrary to Policy DM20 of City Plan Part 2.*
  2. *The appearance of the development, primarily the glass frontage, would result in harm to the conservation area and the setting of the adjacent listed and locally listed buildings, contrary to Policy CP15 of CPP1 and Policies DM26, DM27 and DM28 of City Plan Part 2.*

Appeal lodged December 2024.

- 3.2. **PRE2023/00067** Pre-application Advice - Proposed Penthouse Roof Addition and Lift Shaft. Advice given.
- 3.3. **BH2021/00852** Erection of a four-storey extension onto existing building to form 2no additional self-contained flats, and associated extensions to existing floors. Revised fenestration and associated works. Refused 21.09.2021.
- 3.4. **BH2019/01553** Replacement of existing metal windows to first floor front bay with new aluminium windows. Approved 11.09.2019.

### 4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for alterations and refurbishment to the building including a roof extension and re-working of the existing roof, stone balustrade to the front elevation and revised fenestration to both the front and rear elevations. Improved access to the roof terrace for maintenance purposes would also be provided from the hallway below, along with a new rooflight.
- 4.2. The application follows a recently refused application (BH2023/03417) for alterations and refurbishment to the building, plus an additional storey to create a two-bedroom flat. This application differs from the refused scheme as the proposed additional storey and additional unit, plus the rear lift shaft extension, have all been deleted from the scheme.
- 4.3. Amended plans have been submitted during the life of the application showing the retention of the existing three-bedroom flat at third floor level, rather than the previously proposed subdivision of the unit.

### 5. REPRESENTATIONS



- 5.1. **Nine (9)** representations have been received objecting to the proposed development for the following reasons:
- Visual impact/ poor design,
  - Excessive height,
  - Overdevelopment,
  - Impact on heritage assets,
  - Neighbour amenity impacts,
  - Impact of additional traffic,
  - Increased noise from the new property,
  - Conflicts with the commercial use,
  - Would result in structural issues,
  - Lack of infrastructure provision,
  - Lack of consultation
- 5.2. **Councillor Alison Thomson** has made a representation objecting to the application. A copy of the letter is appended to the report.
- 5.3. Representations which include objections relating to structural integrity and inconvenience and disturbance to existing neighbours and businesses from the build are noted, however are not material planning considerations.
- 5.4. Full details of the representation received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection – Overall there would be a net enhancement from the proposals. Subject to conditions the proposed works would not harm the historic character of the buildings and would enhance the character of the Regency Square Conservation Area.
- 6.2. **Urban Designer:** No objection *Verbal Comments from previous application BH2023/03417:* No concern regarding scale and massing subject to detail/materials by condition.

## 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); revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- 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
SA2	Central Brighton
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and Alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Extensions and Alterations
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact on the character and appearance of the building, streetscene and heritage assets, and the impact on neighbouring amenity.

**Design, Appearance and Heritage Impacts:**

- 9.2. The property is not listed, however lies within the Regency Square conservation area and adjoins the grade II\* listed 131 Kings Road to the east, and the locally listed Astra House (133-134 Kings Road) to the west.
- 9.3. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.4. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.5. The application states that the rear elevation has suffered from fire damage and a general lack of maintenance and is poorly constructed. A new flat roof is proposed which includes an extension of the roof to the rear consisting of raised brickwork and a parapet wall in matching materials in place of the non-original mansard roof and dormers. The complete refurbishment of the roof and fenestration is welcomed overall. The minimal 0,2m increase in the overall height of the replacement flat roof would be set behind the existing parapet and would not be visible from the public domain.
- 9.6. The proposed front balustrade is modelled on historic photographs of the building and would reinstate some of the architectural character of the building.
- 9.7. The proposal also includes the proposed installation of timber sash windows to replace the existing second and third floor uPVC windows to the front elevation, which, along with various other incremental alterations and the 1960's extension, have served to diminish heritage values. The reinstatement of sash windows to the front facade, in place of the unsympathetic uPVC windows, is a significant benefit to the character and appearance of the building and the conservation area.
- 9.8. The Heritage Team consider that the proposals overall would result in an enhancement to the building and the wider conservation area.
- 9.9. The application is therefore acceptable in design and heritage terms, subject to conditions relating to submission of samples/ details of all new materials, large-scale details of the balustrade and windows and any making good works.

- 9.10. The proposed works would enhance the character and appearance of the building and the Regency Square conservation area and would not harm the historic character or appearance of the adjacent grade II\* listed building, in accordance with policies CP15, DM26 and DM27 of the Brighton & Hove City Plan.

**Impact on Amenity:**

- 9.11. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.12. To the east of the site, the listed no. 131 Kings Road has a restaurant at ground floor level and flats above, and it wraps around the corner into Regency Square and forms The Beach Hotel. The western elevation of no. 131 contains three small windows facing west adjacent to the development which serve communal areas and stairwells. The windows would not be blocked or affected by the increased height of the proposed development.
- 9.13. The proposed replacement flat roof would result in an increased overall height to the building of 0.2m at the highest point in comparison to the existing flat roof. There would be some additional bulk to the rear as the existing mansard style roofslope would be squared off with the proposed upwards extension of the rear facade of the building and new parapet. To the west, Astra House has a blank side elevation within the main building, and a rear wing housing residential units with east-facing windows. Daylight and outlook to these windows is mainly sourced from the east, which would not change.
- 9.14. Regarding sunlight, the taller building of no. 131 Kings Road to the east already impacts on light to Astra Court creating a very oblique angle for sunlight to infiltrate the gap to the eastern facing windows. Additionally, a shadow is cast on its eastern elevation of Astra Court from midday onwards, once the sun has move around towards the west.
- 9.15. Given the existing situation, and the relatively minor nature of the works proposed, there would be a very minimal impact on sunlight to the eastern facing windows in neighbouring properties which would not warrant refusal of the application. Overall, there is not considered to be a harmful impact on daylight/sunlight.
- 9.16. The altered windows and openings would provide similar views to the existing windows to the rear and the proposal would not result in any additional overlooking to neighbouring properties. The site faces the seafront and promenade and as a result there are no residential properties affected to the south of the site.
- 9.17. It is noted that improved access to the roof terrace is proposed, however it is stated that the access and roof terrace would be used solely for maintenance purposes only. This should be secured as such by condition, so that the terrace

cannot be used as an amenity area without permission following an assessment of any residential amenity impacts regarding loss of privacy and noise.

**Standard of accommodation:**

- 9.18. It is noted that the existing third floor flat at the site is in poor condition and suffers from low ceiling heights, along with the continuous leaks from the roof and dormer windows. The works would raise the ceiling heights throughout from 2.1m to 2.3m and as such the flat would now meet the Nationally Described Space Standards (NDSS) in respect of headroom. The improvement to the standard of accommodation is a clear benefit of the scheme.
- 9.19. Overall, the proposed scheme is considered to comply with Policy DM20 of City Plan.

**Biodiversity Net Gain:**

- 9.20. 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.

9.21. **Other Issues:**

Objections have been received regarding the structural integrity of the historic building and impact from the build on the ground floor businesses. These issues are noted, however are not material planning considerations.

- 9.22. Notwithstanding this, the scheme consists of relatively minor works including a replacement roof, new front balustrade, and a squared off rear parapet wall including windows in lieu of the existing dormers. The applicant has stated that there would be no appreciable difference in structural loading to any of these components in comparison to the existing situation.

- 9.23. Furthermore, it is stated that the works to the front would be undertaken from scaffolding sited on the second-floor balcony, and from a cantilevered protective deck at high-level to the rear. Given this, there should not be a significant impact on the commercial uses below.

**Conclusion:**

- 9.24. The proposed works would not cause harm to the building's historic interest, nor would they harm the fabric or setting of the neighbouring grade II\* listed building or the special interest of the locally listed Astra House. The proposed balustrade and sash windows would reinstate much welcomed architectural character to the building and would be of significant benefit to the character and appearance of the property and surrounding conservation area.

Furthermore, the refurbishment and improvement in the standard of accommodation of the existing third floor flat is a clear benefit of scheme whilst there would be no significant impacts on neighbouring amenity. The application is therefore recommended for approval.

## **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 material impacts on individuals or identifiable groups with protected characteristics.



## PLANNING COMMITTEE LIST

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

**Cllr. Alison Thomson**

**BH2024/02268 - 132 Kings Road**

#### **8<sup>th</sup> November 2024:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse affect on listed building
- Adversely affects Conservation Area
- Because of the Additional Traffic
- Detrimental affect on property value
- Inappropriate Height of Development
- Overdevelopment
- Poor design
- Traffic or Highways

Comment: This is the third time the owner of the property has sought planning permission for the oldest building on Brighton seafront. In 2021, there was an application for a four-storey extension on top of the existing three storeys. This was rejected - for good reason. Then in April this year, a further application for a less extensive development was also rejected.

In 2021 the heritage officer said the application had failed to adequately describe the significance of the site as required by paragraph 189 of the NPPF. It was deemed not in keeping with the heritage of the area. This building is one of a pair of late-18th-century villas, so it's an intrinsic part of our heritage.

The building has a cased-in balcony on the first floor. but this should not detract from what's above it - this is a historic and architecturally important building and developing something modern on top is not in keeping with what's there.

I hope you will reject this application for the same reasons the previous two were rejected.





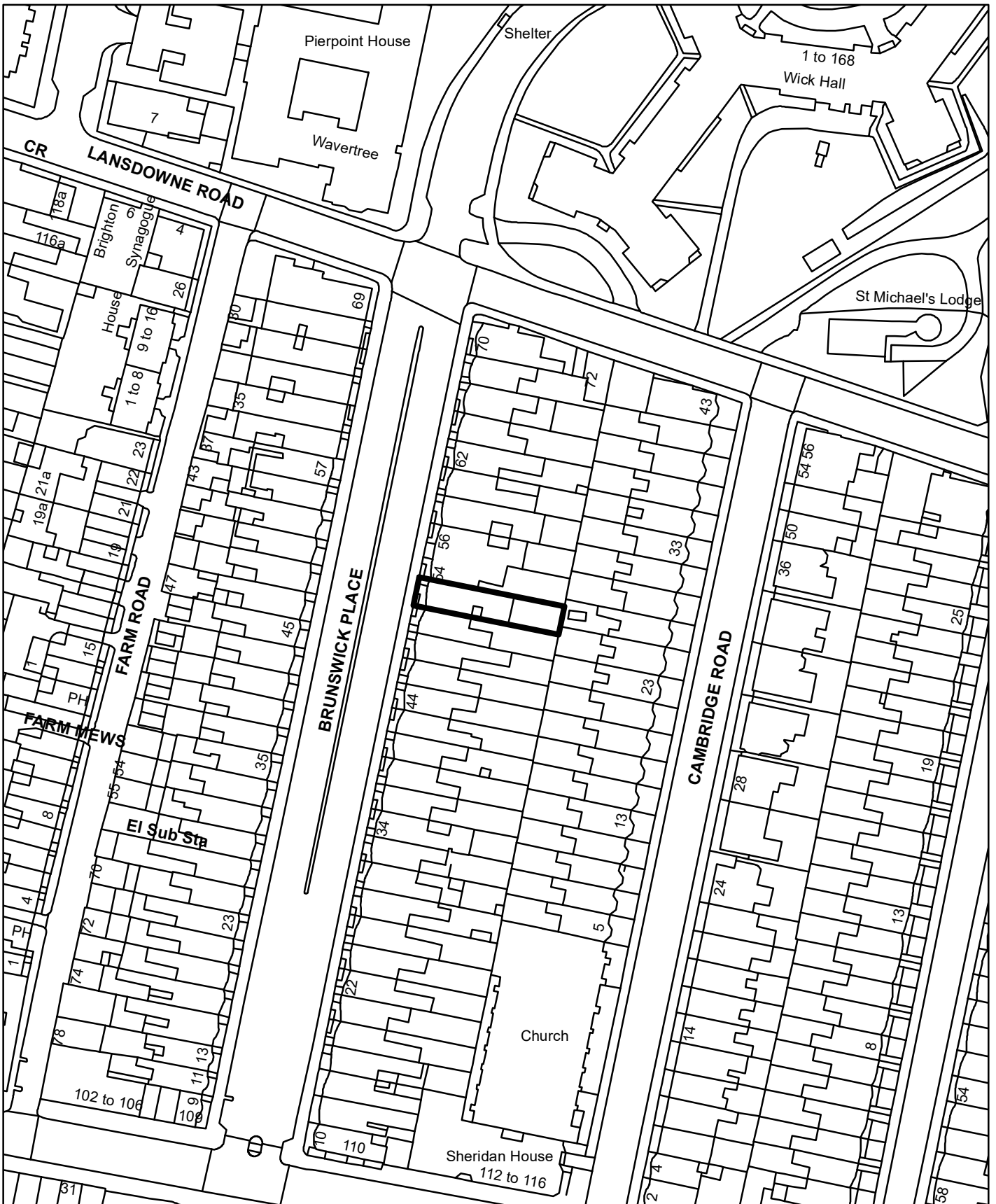
# **ITEM D**

**52 Brunswick Place  
BH2024/02421  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



# BH2024 02421 - 52 Brunswick Place



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/02421</b>	<b><u>Ward:</u></b>	<b>Brunswick &amp; Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>52 Brunswick Place Hove BN3 1NB</b>		
<b><u>Proposal:</u></b>	<b>Removal of external spiral staircase and relocation of existing fire escape, installation of French doors to allow access to lower ground floor &amp; ground floor courtyards, minor internal reconfigurations to provide additional bedroom to Flat 1, new access and provision of terrace area for Flat 2 with privacy screening.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	03.10.2024
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	28.11.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.02.2025
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	52 Brunswick Place Ltd C/o Lewis & Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	7305/001		3 October 2024
Proposed Drawing	7305/020	A	18 December 2024
Proposed Drawing	7305/021		3 October 2024
Proposed Drawing	7305/022		3 October 2024
Proposed Drawing	7305/022	A	18 December 2024
Proposed Drawing	7305/031		3 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. No works in relation to the removal of the existing metal spiral staircase and walkway shall take place until a method statement detailing the process of removal and how fabric would be made good following the development has been submitted to and approved in writing by the Local Planning Authority. The

works shall be carried out in strict accordance with the approved method statement.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. No works in relation to the new cast metal staircase hereby permitted shall be commenced until full details of the proposed staircase including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. Access to the flat roof area indicated on the approved drawings as 'TERRACE (Maintenance only)' shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

6. The terrace at first floor hereby approved shall not be first brought into use until the obscured privacy screens indicated on the approved drawings have been fully installed. The screens shall thereafter be retained.

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

7. The seven windows in the lower ground and ground floors, as indicated on the approved drawings to have 'frosted glass', shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application relates to a five-storey over basement terraced building on the western side of Brunswick Place. The building is in residential use comprising seven residential flats (C3).
- 2.2. The building is grade II listed and is located within the Brunswick Town Conservation Area. The properties within the terrace retain many original architectural features and a high degree of uniformity fronting Brunswick Place, with full width segmental bays rusticated ground floors and first floor full width balconies, stepping in height as the road rises away from the sea. The rear elevations of the terrace are more varied and have been subject to a greater degree of change over the years.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/02422** (Listed Building Consent) - Removal of external spiral staircase and relocation of existing fire escape, installation of French doors to allow access to lower ground floor & ground floor courtyards, minor internal reconfigurations to provide additional bedroom to Flat 1, new access and provision of terrace area for Flat 2 with privacy screening and minor internal reconfigurations for Flats 1, 2, 3, 4, Lower Ground Floor Flat A and Lower Ground Floor Flat B. Under consideration.

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for external alterations including the removal of a spiral staircase at the rear and the relocation of an existing fire escape, the installation of French doors on the lower ground, ground and first floors and creation of a terrace area for Flat 2 with privacy screening. The proposal also includes internal alterations to provide an additional bedroom for Flat 1.
- 4.2. The plans have been amended since the initial submission to adjust the alignment of the proposed French doors, and to reduce the size and number of various rear terraces.

## **5. REPRESENTATIONS**

- 5.1. **Five (5)** letters of objection have been received, summarised as follows:
  - Harm to amenity of neighbours through increased noise, loss of light and loss of privacy
  - Design harms grade II listed building
  - Lack of engagement by developer
  - Loss of property value
- 5.2. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

- 6.1. **Heritage:** No objection subject to conditions  
No objection to the removal of the rear staircase/fire escape, the proposed internal alterations or to the proposed terraces and privacy screening. A method statement for the removal of the existing staircase and details of the proposed new staircase should be secured by condition.
- 6.2. However, the alignment of the proposed French doors should be adjusted to better reflect the existing fenestration on the upper floors.

## 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, revised October 2024);
  - 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
CP12	Urban design
CP15	Heritage

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites



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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design, appearance and heritage impact of the proposals and the impact upon neighbouring amenity.

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

- 9.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.4. The proposed external alterations comprise:
- Removal of an external spiral staircase and walkway
  - Erection of a new cast metal staircase
  - Insertion of three French doors to the rear at lower ground, ground and first floors
  - Creation of a roof terrace with obscured privacy screening to the rear at first-floor level
- 9.5. No objection is raised to the loss of the external spiral staircase and walkway. Whilst historic, these features are considered by the Heritage Team to be of low significance and currently obscures the rear elevation. In accordance with the comments of the Heritage team, a condition is attached to secure a method statement for the removal of this feature.
- 9.6. The proposed new cast metal staircase is considered acceptable in principle; however it would be necessary to secure further details of this feature, and a suitably worded condition is attached.
- 9.7. The proposed French doors to the rear of the outrigger would be in painted timber and have been amended to better align with the existing fenestration on the upper floors. The proposed French doors would replace a sash window and a non-original door and are considered acceptable on this basis.

- 9.8. The proposed privacy screening to the roof terrace at first floor would be 1.7m in height, of frosted glass. The screen would run around the southern and eastern boundaries of the flat roof but has been amended since the initial submission to be set in from the northern side boundary. Whilst such terraces do not appear to be established features at the rear of Brunswick Place, the rear wing of the site is of low significance due to the number of past alterations that have taken place, and the terrace screening have a lightweight yet contrasting appearance to the building. On this basis and in accordance with the comments of the heritage consultee it is considered that the terrace screening would not be objectionable in design or heritage terms.

**Impact on Amenity:**

- 9.9. 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.
- 9.10. The proposed removal of the spiral staircase would modestly improve access to light and outlook for the rear rooms within the main part of the building, which are mostly bedrooms.
- 9.11. Using the annotation on the plans, the central courtyard at lower ground floor level is currently accessible by Flat B. As proposed, this area would be accessible to Flat A. The windows of Flat B that face onto the central courtyard would be obscurely glazed. Flat B would retain access to outdoor space in the form of the courtyard at the rear. The overall impact of this change is considered to be positive, with Flat A gaining access to outdoor amenity space and no longer being overlooked from the central courtyard. However, a condition is attached to ensure that the obscure glazing to the bedroom in Flat B is retained as otherwise occupiers of this bedroom would suffer from a loss of privacy.
- 9.12. At ground floor, the area of flat roof currently taken up by the metal walkway would be accessible from Flat A via the new proposed staircase from the central lower ground floor courtyard. There would be an area of planting at the rear, and the rear bedroom of Flat 1 would have obscure glazing to the window facing onto this space. As originally submitted, this area was proposed to also form part of the amenity space for Flat A. However, due to concerns regarding the potential for noise disturbance and actual and perceived overlooking towards both bedrooms of Flat 1, it is considered that this area is not suitable for a roof terrace and should only be accessed for emergency or maintenance purposes. A condition is attached to this effect.
- 9.13. At first floor, the currently inaccessible area of flat roof at the rear of the outrigger would be converted into a terrace with 1.7m obscure glazed privacy screening. It is considered that the screening would be effective in protecting the privacy of occupiers of neighbouring dwellings, and amendments have set this privacy screening in modestly from the northern side boundary to reduce the impact of the screening in terms of overbearingness. There is already a high degree of enclosure for the rear of properties on Brunswick Place due to the height of the outrigger features and, although obscured, the glazed screen would be relatively

lightweight and would not be considered to have an unacceptable impact in terms of additional enclosure or loss of light for neighbours. The terraced area is relatively modest in scale and not located immediately adjacent to neighbouring windows and it is not considered that the proposal would give rise to unacceptable levels of noise and disturbance for adjoining residents. The windows directly above this terrace serve bathrooms and so would not be overly sensitive to activity on the terrace.

**Other Considerations:**

- 9.14. The plans indicate various minor internal reconfigurations, including the creation of combined living/kitchen rooms. The submitted plans indicate that the building is currently laid out as three one-bedroom flats and four two-bedroom flats. As proposed, there would be two one-bedroom flats and five two-bedroom flats, and the proposed layouts would comply with the Nationally Described Space Standards (NDSS) in accordance with policy DM1. The impact of these internal alterations on the listed building is for assessment under the concurrent listed building consent application BH2024/02422.

**10. CONCLUSION**

- 10.1. Subject to the recommended conditions, it is considered that the proposed external alterations, as amended, would be acceptable in terms of design, appearance and impact on the grade II listed building and the wider conservation area. The impact of the proposals on the amenity of occupiers of neighbouring dwellings, including within the site, is also overall considered to be acceptable.

**Biodiversity Net Gain**

- 10.2. 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;

**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.



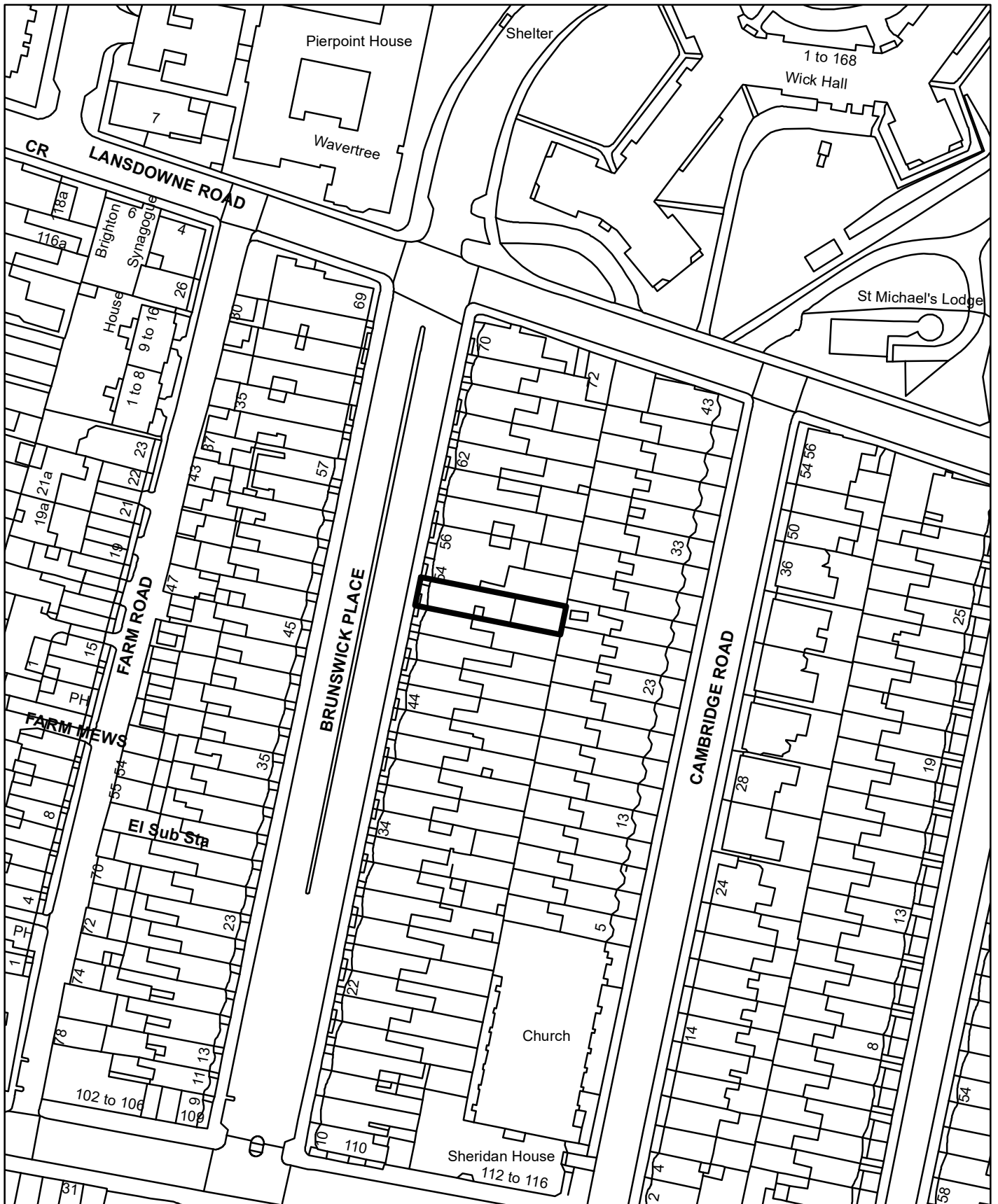
# **ITEM E**

**52 Brunswick Place  
BH2024/02422  
Listed Building Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



# BH2024 02422 - 52 Brunswick Place



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2024/02422</b>	<b><u>Ward:</u></b>	<b>Brunswick &amp; Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>52 Brunswick Place Hove BN3 1NB</b>		
<b><u>Proposal:</u></b>	<b>Removal of external spiral staircase and relocation of existing fire escape, installation of French doors to allow access to lower ground floor &amp; ground floor courtyards, minor internal reconfigurations to provide additional bedroom to Flat 1, new access and provision of terrace area for Flat 2 with privacy screening and minor internal reconfigurations for Flats 1, 2, 3, 4, Lower Ground Floor Flat A and Lower Ground Floor Flat B.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	03.10.2024
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	28.11.2024
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	52 Brunswick Place Ltd C/o Lewis & Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	7305/020	A	18 December 2024
Proposed Drawing	7305/021		3 October 2024
Proposed Drawing	7305/022		3 October 2024
Proposed Drawing	7305/022	A	18 December 2024
Proposed Drawing	7305/031		3 October 2024
Location and block plan	7305/001		3 October 2024

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

**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No works in relation to the removal of the existing metal spiral staircase and walkway shall take place until a method statement detailing the process of removal and how fabric would be made good following the development has

been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. No works in relation to the new cast metal staircase hereby permitted shall be commenced until full details of the proposed staircase including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application relates to a five-storey over basement terraced building on the western side of Brunswick Place. The building is in residential use comprising seven residential flats (C3).
- 2.2. The building is grade II listed and is located within the Brunswick Town Conservation Area. The properties within the terrace retain many original architectural features and a high degree of uniformity fronting Brunswick Place, with full width segmental bays rusticated ground floors and first floor full width balconies, stepping in height as the road rises away from the sea. The rear elevations of the terrace are more varied and have been subject to a greater degree of change over the years.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/02421** (Full Planning) - Removal of external spiral staircase and relocation of existing fire escape, installation of French doors to allow access to lower ground floor & ground floor courtyards, minor internal reconfigurations to provide additional bedroom to Flat 1, new access and provision of terrace area for Flat 2 with privacy screening. Under consideration

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

- 4.1. Listed building consent is sought for external alterations including the removal of a spiral staircase at the rear and the relocation of an existing fire escape, the installation of French doors on the lower ground, ground and first floors and creation of a terrace area for Flat 2 with privacy screening. The proposal also includes internal alterations to provide an additional bedroom for Flat 1 and reconfigurations of the internal layout for Flats A, B, 2, 3 and 4.
- 4.2. The plans have been amended since the initial submission to adjust the alignment of the proposed French doors, and to reduce the size and number of various rear terraces.

#### **5. REPRESENTATIONS**

- 5.1. **One (1)** letter of objection has been received, summarised as follows:
  - Harm to neighbouring amenity by way of increased enclosure and noise, and loss of light and privacy
  - Poor design and harm to the character of the listed building
- 5.2. Full details of representations received can be found online on the planning register.

#### **6. CONSULTATIONS**

- 6.1. **Heritage:** No objection subject to conditions  
No objection to the removal of the rear staircase/fire escape, the proposed internal alterations or to the proposed terraces and privacy screening. A method statement for the removal of the existing staircase and details of the proposed new staircase should be secured by condition.
- 6.2. However, the alignment of the proposed French doors should be adjusted to better reflect the existing fenestration on the upper floors.
- 6.3. The proposed internal changes would involve relatively minor interventions, where the planform has already been altered. As such the special interest of the listed building would not be further impacted on by these changes.

#### **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, revised October 2024);
- 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  
CP15 Heritage

Brighton & Hove City Plan Part Two

DM26 Conservation Areas  
DM27 Listed Buildings

Supplementary Planning Documents:

SPD09 Architectural Features

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the impacts of the works undertaken on the historic character and appearance of the Grade II Listed Building, and the wider Conservation Area.
- 9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. Externally, the proposals comprise:
  - Removal of an external spiral staircase and walkway
  - Erection of a new cast metal staircase
  - Insertion of three French doors to the rear at lower ground, ground and first floors

- Creation of a roof terrace with obscured privacy screening to the rear at first-floor level
- 9.5. Various internal alterations are also proposed, including new and revised openings and partitions, to reconfigure the layout of several of the flats within the building and to create a second bedroom for Flat 1.
  - 9.6. There is no objection to the loss of the spiral staircase and walkway. Whilst historic, these features are considered by the Heritage team to be of low significance and currently obscures the rear elevation. In accordance with the comments of the Heritage team, a condition is attached to secure a method statement for the removal of this feature.
  - 9.7. The proposed new cast metal staircase is considered acceptable in principle; however it would be necessary to secure further details of this feature, and a suitably worded condition is attached.
  - 9.8. The proposed French doors to the rear of the outrigger would be in painted timber and have been amended to better align with the existing fenestration on the upper floors. The proposed French doors would replace a sash window and a non-original door and are considered acceptable on this basis.
  - 9.9. The proposed privacy screening to the roof terrace at first floor would comprise frosted glass at 1.7m in height. The screen would run around the southern and eastern boundaries of the flat roof but has been amended since the initial submission to be set in from the northern side boundary. Whilst such terraces do not appear to be established features at the rear of Brunswick Place, the rear wing of the building is of lower significance due to the number of past alterations that have taken place, and the terrace screening would have a lightweight yet contrasting appearance to the building. On this basis and in accordance with the comments of the heritage consultee it is considered that the terrace screening would not be objectionable in design or heritage terms.
  - 9.10. The proposed internal changes would involve relatively minor interventions, where the planform has already been altered. As such it is considered that the special interest of the listed building would not be further impacted by these changes.
  - 9.11. Overall, subject to the attached conditions, it is considered that the proposed works would not harm the historic character or appearance of the Grade II Listed Building or the wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of City Plan Part 2.

## **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.

# **ITEM F**

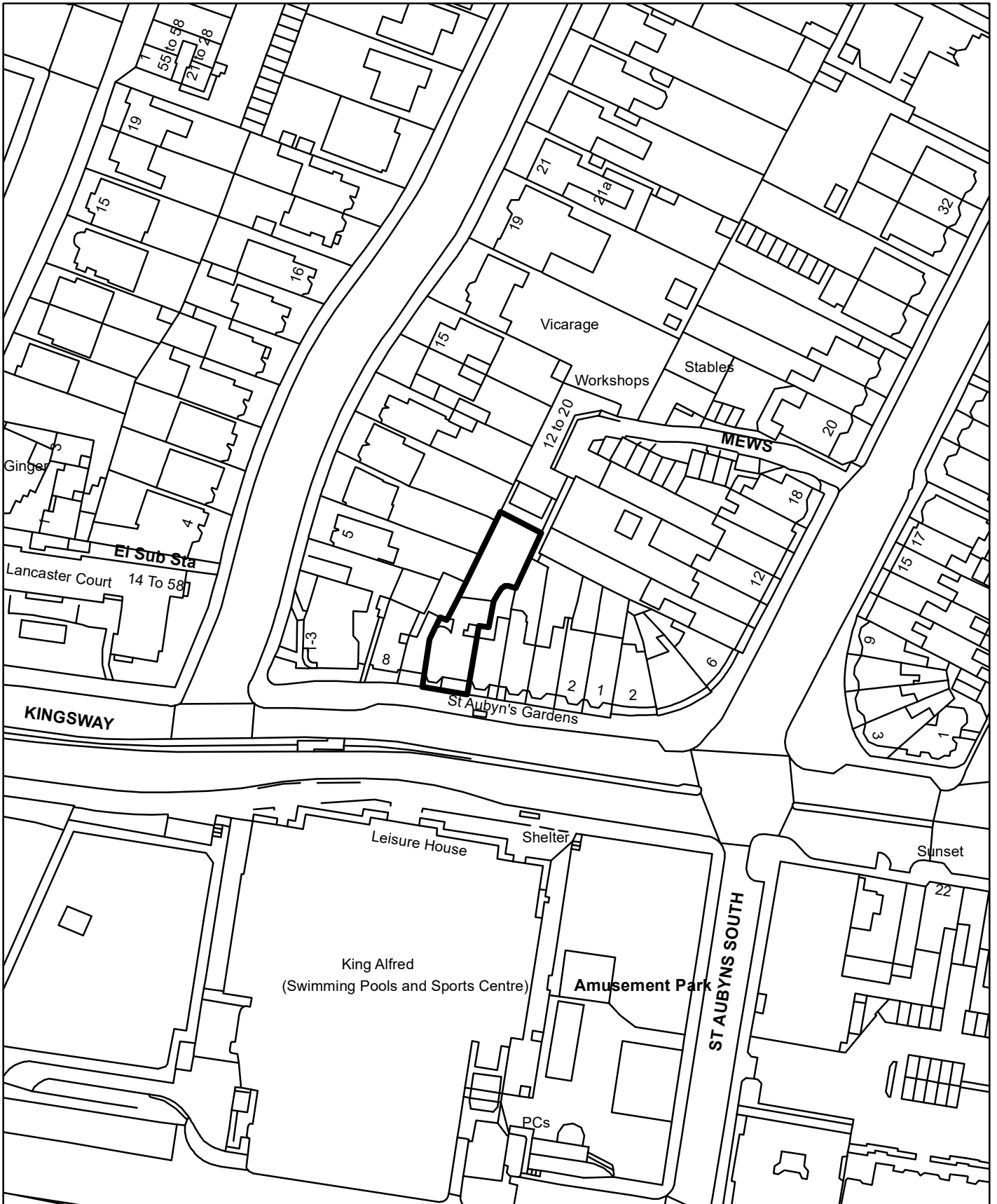
**6 St Aubyns Gardens  
BH2024/02584  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**





# BH2024 02584 - 6 St Aubyns Gardens



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/02584</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>6 St Aubyns Gardens Hove BN3 2TA</b>		
<b><u>Proposal:</u></b>	<b>Roof conversion to form first and second floor maisonette (C3) with revised fenestration. (Part retrospective)</b>		
<b><u>Officer:</u></b>	Steven Dover	<b><u>Valid Date:</u></b>	11.11.2024
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	06.01.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12.02.2025
<b>Agent:</b>	ADC Ltd Citibase Brighton 95 Ditchling Road Brighton BN1 4ST		
<b>Applicant:</b>	Bellimo Ltd Brighton Kingsway Hotel 2 St Aubyns Hove BN3 2TB		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	ADC1345/LP		18 October 2024
Proposed Drawing	ADC1345/13	A	18 October 2024
Proposed Drawing	ADC1345/14	A	18 October 2024

2. The windows hereby approved shall not be installed until full details of the proposed windows have been submitted to and approved by the Local Planning Authority in writing. This should include sections and elevations at a minimum scale of 1:10 and a cross-section showing window reveals and proposed glazing bars at a scale of 1:1. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

### **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 site is located on the northern side of St Aubyns Gardens, which is effectively part of the west-to-east section of the dual carriageway known as Kingsway (A259), and opposite the King Alfred Leisure Centre. It is a mid-terrace building, towards the western end of a row of 15 similar Classical style, mid-Victorian properties with two lower, four storey buildings adjoined to its western flank wall.
- 2.2. The property, the subject of this application, was original four storeys plus basement and roofspace, which has subsequently been converted via roof extensions either side of the original Dutch gables to the front elevation. To the rear it has a two-storey outrigger that is set away from the rear elevation. This application relates to accommodation in the outrigger at the rear of the property. According to Council Tax records, the building is comprised of six flats; 1-4 are numbered as such and there are also nos. 6A and 6B. Existing plans indicate that the second floor of the outrigger is laid out as a studio flat. There is no history for this studio flat, and it is considered to be unauthorised. This unauthorised unit is subject to an Enforcement Notice.
- 2.3. The application site is within the Old Hove Conservation Area, an Archaeological Notification Area and Controlled Parking Zone (CPZ) N. The property is not a listed building or located within the setting of any listed buildings.

## **3. RELEVANT HISTORY**

- 3.1. **ENF2020/00618** Notice with effect 15th November 2024  
The Enforcement notice requires the following:
  - 1. Cease the use of the second/top floor of the outrigger as a separate residential planning unit.

2. Remove the 4x windows from the rear elevation of the Property and revert to the number, size and location of windows to that prior to the unauthorised development. All profiles and detailing to match the previous windows and render to match existing.
- 3.2. **BH2024/00845** Roof conversion to form first and second floor maisonette (C3). (Part Retrospective) Refused 01.10.2024 for the following reasons.
1. *The proposed second bedroom of the maisonette, due to its narrow width, would fall below the National Described Space Standards and provide a poor standard of accommodation for future occupiers. The development would therefore conflict with objectives of policy DM1 of the City Plan Part Two which seeks to deliver quality homes for the city.*
  2. *The windows on the rear elevation, by reason of their horizontal proportions, casement openings, and upvc material, appear bulky and inappropriate on the rear of a historic property. They also give the rear elevation of the outrigger an overdeveloped appearance which fails to relate well to the wider character of the rear elevation of the main property. The works harm the historic character of the host building and wider Old Hove Conservation Area, contrary to policies CP15 of the City Plan Part One and DM26 of the City Plan Part 2.*
- 3.3. **BH2021/00897**: Retention of flat roof to replace existing pitched roof to rear outrigger. Approved 25/5/2021
- 3.4. **BH2021/01599**: Retention of a single storey annex building for use as an office. Withdrawn

#### 4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for a roof conversion to form a first and second floor maisonette (C3) with revised fenestration. The application is part-retrospective as the stairs and floor within the internal envelope of the proposed maisonette already exists, the proposal would change the room layout internally to form the two-bed unit, and the works would also make changes to the existing windows.
- 4.2. Amended plans were requested during the course of the application process to accurately show the existing window arrangement, and these have been supplied. A site visit has been carried out.

#### 5. REPRESENTATIONS

- 5.1. **Five (5)** representations were received objecting to the application for the following reasons:
  - The roof works harm historic character of the building and the conservation area
  - The windows are not appropriate for the building

- The works are retrospective and there should have been enforcement action years ago
  - The correct planning process and consultation process has not been followed
  - The application should refer to the conservation area and the listed buildings
  - Loss of privacy, loss of light and overshadowing
  - Loss of property value
  - Unauthorised works to the basement of the property and people living in the rear office building of the site
  - The property is overdeveloped and overcrowded
- 5.2. **Eight (8)** representations were received supporting the application for the following reasons:
- Good design
  - The works are in character with the rest of the building
  - The works do not cause overlooking or a loss of privacy
  - There are no problems with the development
- 5.3. Full details of representations received can be found online on the planning register

## 6. CONSULTATIONS

- 6.1. **Heritage:** No objection subject to the imposition of a condition for joinery details.
- 6.2. **Transport:** (Verbal): No objection
- 6.3. **Private Sector Housing:** No comment

## 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, updated October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Joint Area Action Plan (October 2019)

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

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

#### Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM3	Residential conversions and the retention of smaller dwellings
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents

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

#### Other Documents

Old Hove Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

### **Background**

- 9.1. A complaint was received in November 2020 relating to unauthorised works to the existing outrigger of the property. The works comprised the change of the roof form, from a pitched roof to a flat roof. The owner subsequently applied retrospectively for the works undertaken at the site. The planning application ref BH2021/00897 was approved in June 2021. This approval just created a larger loft area to the building under the altered roof, no additional residential accommodation or separate unit was approved.

- 9.2. After the roof works were completed, the Council received further information that the works did not accord with the approved plans. A site visit was carried out on 5th April 2023 where it was determined that the second floor of the outrigger was being used as a separate planning unit and the owner had installed two windows at second floor level which were not part of the original permission. The windows had been installed to enable the use of the space as residential accommodation. Both the new windows, and the studio flat are therefore in breach of planning control.
- 9.3. In 2024 a planning application was submitted in an attempt to regularise the windows which had been installed and to remove the second-floor studio by incorporating the second-floor accommodation into a first and second floor maisonette. This was refused due to the small size of the second bedroom of the maisonette, which fell below NDSS standards and due to the design and appearance of the windows and the impact on the heritage assets. Following this refusal, an enforcement notice was issued.
- 9.4. Should this current application be approved and fully implemented, it would address the issues that the extant enforcement notice raises. The applicant has not appealed the enforcement notice, they have until July 2025 to comply with the notice served. Full compliance with any planning permission granted that overcome the unauthorised works at the site would be ensured via the current Enforcement Investigation.
- 9.5. The main considerations in the determination of this application relate to standard of accommodation proposed, design and heritage considerations, as well as the impacts on neighbouring amenity.

**Standard of accommodation:**

- 9.6. The application seeks to regularise the second floor of the outrigger which appears to have been used as self-contained studio but is unauthorised as such. The works would bring the second floor into use with the existing first floor studio (numbered 6B) creating a maisonette over the two floors (thereby removing the current unauthorised studio).
- 9.7. In regard to the conversion of two studios into one maisonette, the second-floor studio is unauthorised, so policy DM2 Retaining Housing and residential accommodation, which seeks to resist the loss of residential units, is not considered to apply in this case. Furthermore, the existing studio does not provide a good standard of accommodation (for the reasons set out in the earlier refusal), and therefore the opportunity to provide a larger unit of accommodation would not be resisted in principle.
- 9.8. Policy DM1 (Housing Quality, Choice and Mix) outlines the Council's objective to deliver a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Specifically, all proposals "incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs".



- 9.9. Policy DM1 adopts the Nationally Described Space Standards (NDSS) for assessment to the standard of accommodation.
- 9.10. At approximately 72sqm the floor area of the maisonette would meet the requirements for a 3-person 2-bedroom unit, over 2 floors. The second bedroom, a single bed space, measuring 8.9sqm, would now meet the requirements of the NDSS. This bedroom would have a width of 2.2m which exceeds the 2.15m required in the NDSS. This overcomes the concern over the standard of accommodation which formed a reason for refusal in the previous application.
- 9.11. The submitted section shows the head height of the development at 2.3m and the rooms would have adequate natural light and ventilation from new windows in the rear of the outrigger. An assessment of the acceptability of these windows in regard to design and heritage implications is made below.
- 9.12. With the submitted layout now able to provide accommodation which would meet the NDSS, the proposed maisonette would provide an adequate standard of accommodation and would meet the requirements of DM1 of CPP2.

#### **Design and Heritage considerations**

- 9.13. 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.
- 9.14. 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".
- 9.15. The works to form the flat roof to the outrigger were approved in 2021 (see planning history) and do not form part of this application. The only external alterations in this application relate to the windows.
- 9.16. The windows which have been installed are unauthorised and are not acceptable from a design and heritage perspective. The pre-existing windows at first floor level of the outrigger appear to have been sliding sash with traditional vertical proportions. This type of fenestration is characteristic of Victorian properties within the Old Hove Conservation Area. The openings also provided a solid-to-void ratio on the rear elevation which would be expected for this outrigger.
- 9.17. The unauthorised works have replaced the first-floor windows on the rear with UPVC casement windows of reduced height to allow for an additional window course above. The first-floor windows now have squat proportions with less vertical emphasis. In addition, the new second floor UPVC windows have further horizontal emphasis. The proportions of these windows jar with the other windows on the rear elevation of the main building. This formed a reason for refusal in the last application.

- 9.18. In response, this application now proposes the replacement of the unauthorised windows. No detailed sections of the replacement windows have been provided. However, in principle the replacement of the four windows with UPVC sash windows, with more vertical proportions, is acceptable, given that the rear elevation is not readily visible from surrounding streets.
- 9.19. The proposed windows seek to replicate the verticality of the existing fenestration on the rear of the properties within St Aubyns Gardens which does vary in style. The preferred proportions would have been to replicate that of the pre-existing windows, however it is accepted that, since the roof works to the outrigger, there is a desire for an additional windows course, and the proportion of the top floor windows are constrained by the floor to ceiling height.
- 9.20. The proposed windows would bring back alignment through the rear elevation of the outrigger and the glazing pattern and glazing bars also give stronger verticality compared to the design of the existing windows. This is a welcome change and responds adequately to the reason for refusal for the previous application. Whilst the second-floor window course, combined with the approved roof works, still gives the outrigger added prominence when viewed with the main elevations of the building, the proposed changes would not cause significant harm to the appearance or character of building. The Heritage Team have agreed that, on balance, the proposals meet the test of the desirability of preserving the character and appearance of the conservation area. Full joinery details for the windows would require further approval and this can be secured by a planning condition.

#### **Impact on Neighbouring Amenity**

- 9.21. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.22. Policy DM20 of City Plan Part 2 seeks to ensure development protects the amenity of future occupiers and neighbouring occupiers to the site. DM40 seeks to protect the wider environment in terms of pollution and nuisance, and for the purposes of this development, noise and disturbance.
- 9.23. Representations of objection received raise issues of loss of light and overshadowing, however this application does not extend the building with additional massing and therefore loss of light and overshadowing are not considered to be an issue in this instance.
- 9.24. The formalisation of living accommodation at second-floor level of the outrigger is not considered to cause a significant change in the levels of activity associated with the site. The works would not create an additional residential unit, instead additional accommodation for an existing residential unit would be provided. The comings and goings associated with an additional bed space would not harm the residential character of the immediately vicinity. The works are not considered to cause the building or wider site to be overcrowded or overdeveloped.

- 9.25. In regard to overlooking and loss of privacy, the additional windows at second floor level, provide opportunity for overlooking to the rear. However, there were already first floor windows in the rear elevation of the outrigger. The new windows at second floor level of the outrigger do not cause any significant increase in overlooking compared to the pre-existing situation. Any additional overlooking to the rear would likely be over garden spaces already impacted by numerous neighbouring windows, and a typical situation with flatted development within a tight urban grain. Therefore, whilst the comments from neighbours are noted, a reason for refusal relating to loss of privacy from the new windows is not considered justifiable in this instance.

### **Highways and Transport Considerations**

- 9.26. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal. The Transport Team have not raised objections to the development. This development would not result in an additional residential unit, just additional bed space for an existing unit of accommodation.
- 9.27. The site is located within a Controlled Parking Zone (CPZ), where uptake of parking permits is high and therefore the number of vehicles able to be parked in the area is already limited and controlled through the CPZ.

### **Other Matters**

- 9.28. Matters regarding property values, are not valid planning considerations and therefore have not been taken into account in the determination of this application.
- 9.29. It has been stated that this application has not followed the proper planning process. It is noted that this site has been the subject of numerous planning applications and enforcement investigations, and that the current application is part-retrospective. Notwithstanding this, the application must be assessed on its own merits and without prejudice. It is considered that due process has been followed in the determination of this application, including proper consultation. The application must be considered based on what is being applied for. Should approval be granted, the current enforcement investigation would ensure compliance.
- 9.30. The Heritage Statement submitted with the application is considered substandard, but, together with input from the Heritage Team, the proposal has been adequately assessed in accordance with the National Planning Policy Framework and local policies which require due weight to be given to preserving and enhancing heritage assets.
- 9.31. Representation of objection have been made regarding unauthorised works elsewhere in the property including the occupation of a garden building/room as residential use, and basement occupation. The Planning Investigation Team are aware of these alleged breaches of planning control, they have been investigated fully. These alleged beaches are separate in their location, and in their nature, to the works covered in this application. They are therefore not relevant in the determination of this application.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

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

## **11. BIODIVERSITY NET GAIN**

- 11.1. 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.

## **12. CONCLUSION**

- 12.1. The proposed development would result in the creation of a maisonette which provides an enlarged and improved unit of accommodation. The altered accommodation would comply with the requirements of the NDSS. The new fenestration is considered acceptable in principle and would result in an improved appearance to the elevations of the outrigger. The full details of the replacement windows are required to be submitted for further approval. The recommendation is to approve the application which would improve the standard of an existing flat, whilst preserving the historic character of the site and wider conservation area.

## **13. EQUALITIES**

- 13.1. Access from the street level would remain as existing and the accessibility of the units are constrained by the existing building and previous conversion works.

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.
- 13.2. 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 G**

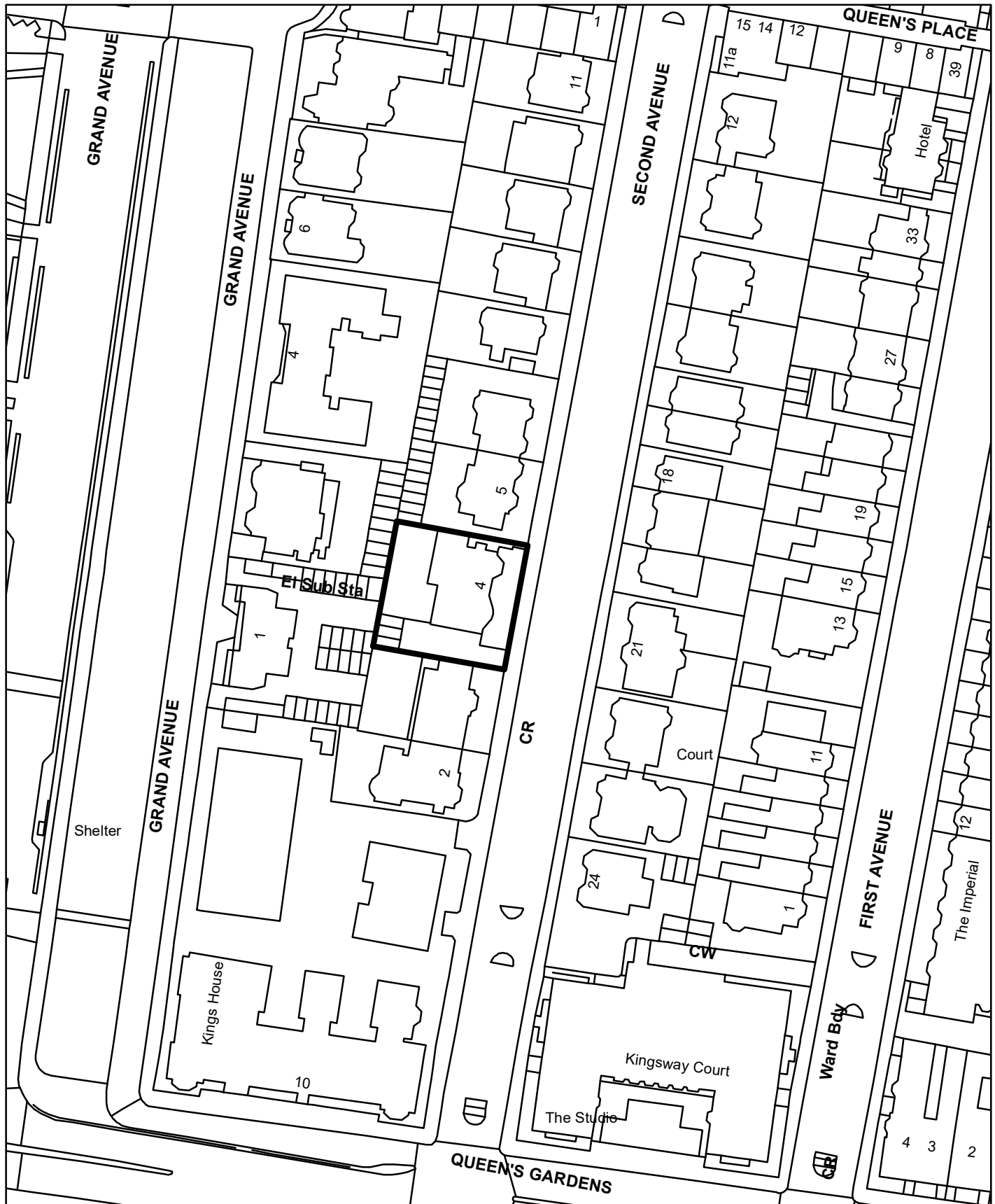
**Exton House, 4 Second Avenue  
BH2024/00942  
Listed Building Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**





# BH2024 00942 - Exton House, 4 Second Avenue



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/00942</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Exton House 4 Second Avenue Hove BN3 2LG</b>		
<b><u>Proposal:</u></b>	<b>Internal alterations to the layout of the 11no. existing self-contained flats.</b>		
<b><u>Officer:</u></b>	Jane Moseley, tel: 292192	<b><u>Valid Date:</u></b>	16.04.2024
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	11.06.2024
<b><u>Listed Building Grade:</u></b>	<b>II</b>	<b><u>EOT:</u></b>	12.08.2024
<b><u>Agent:</u></b>	Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<b><u>Applicant:</u></b>	Home Exton Ltd 99 Preston Drove Brighton BN1 6LD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	0551-P-001	E	10 January 2025
Proposed Drawing	0551-P-002	F	10 January 2025
Proposed Drawing	0551-P-003	I	10 January 2025
Proposed Drawing	0551-P-004	H	10 January 2025
Proposed Drawing	0551-P-005	E	10 January 2025
Proposed Drawing	0551-P-006		16 April 2024
Proposed Drawing	0551-P-007		16 April 2024
Location Plan	0551-S-010		16 April 2024

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

**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. All internal finishes and works of making good of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

4. The new walls and openings shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls and the blocked-up doors to match exactly the originals in each respective part of the building.

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

5. The works hereby permitted shall not be commenced until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs recording the features to be reinstated or replicated must be submitted along with drawings, including room plans on which the location of each feature of significance is located.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

6. The works hereby permitted shall not take place until full details of the proposed works including 1:20 scale drawings and 1:1 scale joinery profiles of the changes proposed for the landings on the first and second floors and the half level at the ground floor have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

Informatives:

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

## **2. SITE LOCATION**

- 2.1. This application relates to 4 Second Avenue, known as Exton House, a Grade II Listed Building located on the western side of Second Avenue in Hove, within the Avenues Conservation Area. The property is split into eleven flats.

- 2.2. The Heritage Officer notes the following as their Statement of Significance:  
*"Exton House is a grade II listed building in the Avenues Conservation Area. It is a mid-Victorian house dating from the 1870s. It is Italianate in style with arts*

*and crafts features. It is in three storeys plus a lower ground floor and with a dormered hipped roof. The building is finished in yellow brick with terracotta cornicing in the same colour. The entrance is in white stucco and has a neo-classical portico with composite columns. To each side are three bays in a full height bow on the south side and in a full height canted group to the north."*

### **3. APPLICATION DESCRIPTION**

- 3.1. Listed Building Consent is sought for internal (only) alterations to each of the flats, removing and relocating non-original partition walls, and adding new ones. The intention is to create more modern, useable spaces such as removing partitions between living rooms and kitchens and adding walls to create studies/en-suites.

### **4. RELEVANT HISTORY**

- 4.1. BH2007/01332: Additional galvanised rail on basement step (flat 6). Approved 2 August 2007.
- 4.2. BH2007/01330: Additional galvanised rail on basement step (flat 6). Withdrawn.
- 4.3. BH2007/00646: Proposed internal alterations (flat 1a). Approved 2 April 2007.
- 4.4. BH2007/00536: Proposed internal alterations (flat 9). Approved 2 April 2007.
- 4.5. BH1997/01602/LB:: Conversion of existing flat into two self-contained flats (flat 2); Approved 22 December 1997.
- 4.6. BH1997/01601/FP: Conversion of existing flat into two self-contained flats (flat 2). Approved 22 December 1997.

### **5. REPRESENTATIONS**

- 5.1. In response to publicity, nine objections were received, including from the Council for British Archaeology. The issues raised were:
- Will remove historic features within building;
  - Factual inaccuracies within Heritage Statement which does not provide information required by NPPF;
  - Position of partitions indicates at least one marble fireplace would be removed, along with original stained-glass windows, doorways and doors, elaborate mouldings and an original wall;
  - No consultation with tenants/residents of flats.

### **6. CONSULTATIONS**

- 6.1. **Heritage:** No objection The principal significance of the building is its external elevation and the proposed changes are internal. The most significant rooms on all floors are those on the front of the building and these do not appear to be substantially harmed by the proposals. Much of the proposal entails the removal of walls dividing up larger historic space and this is beneficial in most cases. On balance therefore there is no objection to the works being approved with conditions.

## 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; revised October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM26 Conservation Areas  
DM27 Listed Buildings

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

#### Supplementary Planning Documents:

SPD09 Architectural Features

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building

or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

- 9.2. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.3. As noted in the response from the Heritage Officer, the works would be entirely internal, where the main significance of the building is its exterior which would be untouched.
- 9.4. In response to the objections raised by residents, the works proposed have been clarified by the agent and updated plans provided confirming that stained glass features, fireplaces, cornicing and moulded features would be unaffected.
- 9.5. The Heritage Officer is satisfied that the works would retain the historic features of the building and would overall be beneficial in terms of removing walls dividing up larger historic spaces. In accordance with Policy DM27 of City Plan Part 2, the plan form, internal hierarchy, construction, fabric, finishes, features and fixtures of special architectural and historic interest would not be harmed and would be preserved, in accordance with the statutory duty noted above. This is subject to the imposition of conditions requiring details of the features to be removed, moved, replaced or reinstated; detailed plans of what is proposed; a requirement to ensure that any works avoid harming existing features and that materials match the originals.
- 9.6. It is considered that subject to these conditions, the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One, and DM26 and DM27 of the Brighton & Hove 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 determined that the proposal would not give rise

to unacceptable material impact on individuals or identifiable groups with protected characteristics.



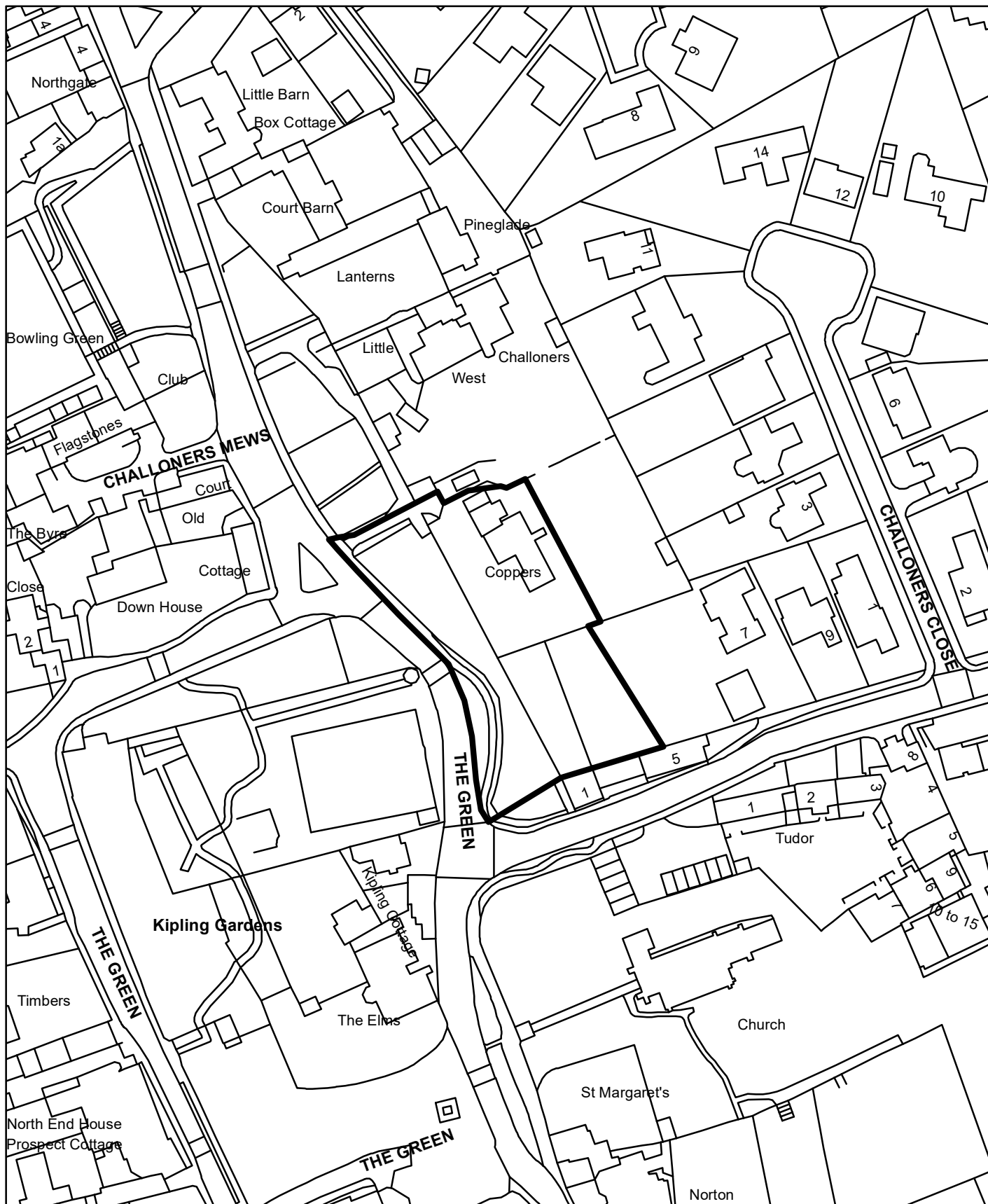
# **ITEM H**

**Coppers, The Green  
BH2024/02777  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2025**



# BH2024 02777 - Coppers, The Green



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2024/02777</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Coppers The Green Rottingdean Brighton BN2 7DD</b>		
<b><u>Proposal:</u></b>	<b>Widening of existing driveway.</b>		
<b><u>Officer:</u></b>	Vinicius Pinheiro, tel: 292454	<b><u>Valid Date:</u></b>	30.11.2024
<b><u>Con Area:</u></b>	Rottingdean Conservation Area	<b><u>Expiry Date:</u></b>	25.01.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Febo Designs 1 Foxcombe Cottage South Harting Petersfield GU31 5PL		
<b><u>Applicant:</u></b>	Mr Lincoln C/o Febo Designs 1 Foxcombe Cottage South Harting Petersfield GU31 5PL		

## 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	1922-196	C	14 January 2025
Location Plan	1922-194	D	11 November 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.

### 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.

### **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 site relates to a single dwelling located within the Rottingdean Conservation Area. The site is bounded to the north and east by Challoners, a grade II listed building, and to the south by the Quaker Burial Ground, a 17th century burial ground which is a locally listed heritage asset.
- 2.2. The site lies within the Rottingdean Conservation Area and is subject to the Rottingdean Article 4(1) Direction which removes permitted development rights for certain operations, including alterations to hardstanding's.

## **3. APPLICATION DESCRIPTION**

- 3.1. Planning permission is sought for the widening of existing driveway. The driveway would have a gravel finish and be extended at it's widest point from 2.4m to a maximum width of 3.7m. A new hedge would provide a soft boundary on the southern side.

## **4. RELEVANT HISTORY**

- 4.1. **BH2024/01799** - Installation of new vehicular and pedestrian gates and enlargement of the existing driveway. Withdrawn 07/10/2024
- 4.2. **BH2020/01735** - Application for variation of condition 1 of BH2019/02301 allowing amendments to approved drawings revising fenestration materials. Approved 03.03.2021
- 4.3. **BH2020/01401** - Application for approval of details reserved by condition 3a) (brick, render and tiling samples) and 3c) (samples of other external materials) of application BH2019/02301. Approved 16/06/2020

- 4.4. **BH2019/02301** - Demolition of existing dwelling and erection of 1no detached two storey dwelling (C3). Approved 19/09/2019

## 5. REPRESENTATIONS

- 5.1. **One (1)** comment has been received objecting to the proposal for the following reasons:
- Loss of privacy
  - Increased traffic
  - Poor design
  - Overdevelopment
  - Visual impact
  - Impacts on trees and hedges
  - Inappropriate Materials
- 5.2. Full details of the representation received can be found online on the planning register.
- 5.3. **Councillor Fishleigh** has objected to the proposal on the grounds of harm to the conservation area and listed buildings. A copy of the representation is attached.

## 6. CONSULTATIONS

- 6.1. **Arboricultural Department:** No objection  
There are concerns about the palm tree in front to the front of the property however the proposal does not seem to impact the tree.
- 6.2. **Heritage Verbal comment:** No objection  
The proposal would not result in harm to heritage assets.
- 6.3. **Transport Verbal comments:** No objection  
The applicant does not propose any changes to the existing crossover.
- 6.4. **Brighton and Hove Archaeological Society:** Comment  
The archaeology of Rottingdean and the surrounding area is relatively unknown, and as such any intervention may produce important records of past landscapes and ancient activity. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations with regards to this planning application.
- 6.5. **County Archaeologist**  
No comment received.
- 6.6. **Rottingdean Parish Council:** No objection

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
  - 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)

#### Rottingdean Neighbourhood Plan

H2 Design

H3 Design Principles in the Conservation Area and its Settings

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

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

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

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets

#### Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact to the street scene, including the conservation area and the impact on neighbouring amenity.



- 9.2. Amended plans have been received during the course of the application to clarify the size of the proposed driveway and to clarify any new boundary treatments. This has been confirmed as a planted hedge to the southern edge of the extended drive.
- 9.3. A site visit has not been undertaken but is not considered necessary to make an informed decision given the submitted photos and online mapping and photography.
- 9.4. 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.
- 9.5. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

#### Design and Appearance

- 9.6. The principal extent of the physical changes, namely the widened vehicle access and the new hedges are limited in scope considered to have a minimal impact on the appearance and character of the site, the street scene and the surrounding Conservation Area. The widening of the vehicle access drive beyond the existing crossover would involve minimal external changes. It is noted that the existing signage and tree on the frontage would remain unaffected by the proposal and there would be no alteration to the crossover.
- 9.7. The materials would be gravel over the driveway and it is considered to have an acceptable impact on the site and wider area given its permeability and alignment with the rural character of this part of the conservation area and that it would have a similar appearance to the existing driveway. Furthermore, the proposed plans show a new hedge to the south of the driveway and this will improve the overall appearance of the site and provide a natural boundary to the driveway.
- 9.8. In light of the considerations above and in accordance with the relevant City Plan policies and the Rottingdean Neighbourhood Plan, the proposed alterations are deemed acceptable. The proposed materials and design would not harm the appearance and character of the conservation area or harm the setting of heritage assets in the wider vicinity.
- 9.9. Overall, the proposed is considered to result in a sympathetic alteration that would not cause harm to the appearance and character of the site, the streetscene or the wider conservation area. The proposal would accord with DM18 and DM21 of City Plan Part Two and CP15 of City Plan Part One.

#### Impact on Amenity

- 9.10. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and

loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.

- 9.11. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.
- 9.12. Overall, it is considered that the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

## **10. OTHER MATTERS**

### Ecology

- 10.1. Arboricultural officers have raised no objection to the principle of the scheme, therefore, the application is recommended for approval on this basis. As stated, the tree to the front of the property would remain unaffected by the proposal.

### Archaeology

- 10.2. It is noted that the site lies within an archaeological notification area. The proposal does not require significant excavations and can be supported on that basis and no further impacts are predicted.

### **Biodiversity Gain Plan**

- 10.3. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- 10.4. It is a Householder application.

## **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.



**Brighton & Hove  
City Council**

## PLANNING COMMITTEE LIST

### COUNCILLOR REPRESENTATION

**Cllr. Bridget Fishleigh**  
**BH2024/02777 - Coppers, The Green**

#### **30<sup>th</sup> September 2024:**

I am writing to object to this application because of its effect on listed buildings and the conservation area.

If officers recommend to grant this application, please can it come to committee for a decision in public.



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### NEW APPEALS RECEIVED 05/12/2024 - 08/01/2025

<b><u>WARD</u></b>	<b>CENTRAL HOVE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2024/01010
<b><u>ADDRESS</u></b>	Church Hall St Andrews Church 163 Church Road Hove BN3 2AD
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Alterations to existing hand car wash to increase the number of parking spaces from 2no to 8no parking spaces and change the operating hours from 07:00-15:00 Mondays to Saturdays (as currently) to 08:00-19:00 Mondays to Sundays.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	12/12/2024
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2024/01621
<b><u>ADDRESS</u></b>	90 And 92 Southall Avenue Brighton BN2 4BB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use of a pair of semi-detached small houses in multiple occupation (C4) to large houses in multiple occupation (sui generis) with alterations to the roof to include rear dormers and 2 no velux windows to the front elevation and single storey rear extensions to both properties.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	08/01/2025
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN &amp; WEST SALTDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2024/01464
<b><u>ADDRESS</u></b>	47 Ainsworth Avenue Brighton BN2 7BG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Demolition of existing bungalow plus ancillary buildings (C3) to facilitate the erection of 3no three bedroom dwellings (C3) with associated parking provision, refuse storage and landscaping.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	05/12/2024
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2024/02071
<b><u>ADDRESS</u></b>	3 Merston Close Brighton BN2 6WJ

<u>DEVELOPMENT DESCRIPTION</u>	Demolition of side extension, porch and garage to existing dwelling and erection of 2no. new dwellinghouses (C3) to rear with carport and associated landscaping.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	06/01/2025
<u>APPLICATION DECISION LEVEL</u>	Delegated

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## INFORMATION ON HEARINGS / PUBLIC INQUIRIES



**Brighton & Hove  
City Council**

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

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Planning Application No	<i>BH2021/04167</i>
Site Address	<i>Brighton Gasworks Land Bounded By Roedean Road (B2066) Marina Way And Boundary Road Brighton BN2 5TJ</i>
Description	<i>Comprehensive mixed-use redevelopment comprising site preparation and enabling works, demolition of existing buildings and structures; provision of new buildings comprising residential use (Use Class C3) and flexible non-residential floorspace (Use Class E), new private and communal amenity space, public realm, landscaping; car and cycle parking, highway works, access and servicing arrangements; associated plant, infrastructure and other associated works including interim works.</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Enquiry</i>
Date Appeal To Be Held:	<i>TBA</i>
Venue of Appeal	<i>TBA</i>
Planning Officer	<i>Chris Swain</i>





### APPEAL DECISIONS FOR THE PERIOD BETWEEN 11/12/2024 AND 21/01/2025

<b><u>WARD</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00057
<b><u>ADDRESS</u></b>	51 Applesham Avenue Hove BN3 8JJ
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.0m, for which the maximum height would be 3.50m, and for which the height of the eaves would be 2.70m.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2024/00906
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>PRESTON PARK</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2023/00086
<b><u>ADDRESS</u></b>	5-7 Stanford Avenue Brighton BN1 6AD
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Alterations to front boundary wall; erection of replacement bin store to front of no.5; extensions and alterations to hard landscaping to create total of 4no vehicle parking spaces, with associated drainage and alterations.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	SPLIT DECISION
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2022/02891
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>PRESTON PARK</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2023/00095
<b><u>ADDRESS</u></b>	5 - 7 Stanford Avenue Brighton BN1 6FD
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against
<b><u>APPEAL TYPE</u></b>	Against Enforcement Notice
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned

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

APL2024/00028

8, 10 And 12 Walpole Road Brighton BN2 0EA  
Roof alterations incorporating 3no rear dormer windows and 6no front rooflights, erection of 2no single storey rear extensions and amalgamation of units at 8, 10 and 12 Walpole Road for use as a school boarding house (C2) with revised fenestration and associated landscaping.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2023/01038

**APPLICATION DECISION LEVEL**

Delegated

**WARD****WEST HILL & NORTH LAINE****APPEAL APPLICATION NUMBER**

APL2024/00052

**ADDRESS**

47 Trafalgar Street Brighton BN1 4ED

**DEVELOPMENT DESCRIPTION**

Demolition of existing car rental premises and erection of a four-storey building (plus basement) comprising solely commercial floorspace (Class E).

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2022/02492

**APPLICATION DECISION LEVEL**

Planning (Applications) Committee

**WARD****WISH****APPEAL APPLICATION NUMBER**

APL2024/00046

**ADDRESS**

407 Portland Road Hove BN3 5SG

**DEVELOPMENT DESCRIPTION**

Change of use from 5-bedroom dwelling (C3) to 5-bedroom small house in multiple occupation (C4).

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2023/02451

**APPLICATION DECISION LEVEL**

Delegated