

# Planning Committee

Date: **7 May 2025**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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### 85 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.*

### 86 MINUTES OF THE PREVIOUS MEETING

7 - 16

Minutes of the meeting held on 2 April 2025.

### 87 CHAIR'S COMMUNICATIONS

## 88 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 1 May 2025.

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

## 90 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.

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 | BH2024/02729 - Royal Sussex County Hospital, Eastern Road, Brighton - Full Planning | <b>17 - 64</b> |
|   |   |                |
| B | BH2022/02689 - 126 Gloucester Road, Brighton - Amendment to Head of Terms           | <b>65 - 74</b> |

### MINOR APPLICATIONS

- |   |   |                  |
|---|---|------------------|
| C | BH2025/00230 - 47 Eastbrook Road, Portslade - Full Planning                                   | <b>75 - 88</b>   |
|   |   |                  |
| D | BH2024/03121 - Flat 2, Princes Mansions, 31 Sussex Square, Brighton - Full Planning           | <b>89 - 98</b>   |
|   |   |                  |
| E | BH2024/03122 - Flat 2, Princes Mansions, 31 Sussex Square, Brighton - Listed Building Consent | <b>99 - 108</b>  |
|   |   |                  |
| F | BH2024/02834 - 9 Princes Square, Hove - Householder Planning Consent                          | <b>109 - 126</b> |
|   |   |                  |
| G | BH2024/02767 - 1 and 1A Pembroke Crescent, Hove - Full Planning                               | <b>127 - 140</b> |

H	BH2024/02554 - 9A Harrington Road, Brighton - Householder Planning Consent	<b>141 - 152</b>
I	BH2025/00222 - Imperial House, 40 - 42 Queens Road, Brighton - Full Planning	<b>153 - 164</b>
J	BH2024/03089 - 3 Merston Close, Brighton - Full Planning	<b>165 - 192</b>
K	BH2025/00268 - 6B College Place, Brighton - Full Planning	<b>193 - 212</b>

### **INFORMATION ITEMS**

- 91 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **213 - 214**  
(copy attached).
- 92 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**  
(None for this agenda).
- 93 APPEAL DECISIONS** **215 - 218**  
(copy attached).

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

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

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

### **FURTHER INFORMATION**

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

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Date of Publication - Monday 28 April 2025



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 2 APRIL 2025**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Officers in attendance:** Jane Moseley (Planning Manager), Katie Kam (Senior Lawyer), Steven Dover (Planning Officer), Helen Hobbs (Senior Planning Officer), Maria Seale (Planning Team Leader) and Shaun Hughes (Democratic Services)

**PART ONE**

**76 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

76.1 Councillor Sheard substituted for Councillor Galvin.

**b) Declarations of interests**

76.2 None for this meeting.

In light of the publicity surrounding applications BH2024/01720 and BH2024/01721, Members were reminded of their distinct roles and responsibilities whilst sitting as the planning committee as opposed to their roles as ward councillors representing their constituents. Members were advised that they must approach all applications with an open mind, willing to consider all evidence and arguments presented to them and determine the applications in accordance with the development plan and all other relevant material planning considerations.

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

76.3 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.

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

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

- 76.5 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'.

**77 MINUTES OF THE PREVIOUS MEETING**

- 77.1 **RESOLVED:** The minutes of the meeting held on 5 March 2025 were agreed.

**78 CHAIR'S COMMUNICATIONS**

- 78.1 The Chair noted that the webcasting would be via YouTube. It was also noted that the government planning paper on a new model of decision making was being considered, and a response would be sent soon.

**79 PUBLIC QUESTIONS**

- 79.1 There were none.

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

- 80.1 There were no site visit requests.

**81 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- 81.1 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 F: BH2025/00106: 29 Grantham Road, Brighton

**A BH2024/01720 - Land and Part of Foot Golf Course and Benfield Barn at Benfield Valley, Hangleton Lane, Hove - Full Planning**

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

**Speakers**

2. Helen Forester addressed the committee on behalf of objecting residents and stated that they considered the development did not conform to City Plan Part 2 and profits had been considered over a good development. The impact of the substation does not seem to have been considered on the area. There is a gas mains pipeline in the area. The trees should be protected in this green corridor, which includes Tree Preservation Orders (TPO). It was noted that councillors support the campaign to object to the scheme. The speaker requested that the committee work with campaigners to make this a flagship project of environmental value. The biodiversity of the site will be affected by the development as will the aquifer. It was not considered that the scheme would solve the housing problem in the city.



3. Ward Councillor Hewitt, accompanied by, and speaking for, Councillors Baghoth and Grimshaw, noted the administration had promised to preserve the site as open land for outdoor purposes. City Plan Part 2 notes the site is for 60 dwellings not the proposed 101. The development is not the only option for this site. The suggested pond is a smoke screen, and key views are going to be affected. It was noted that a local resident had raised the demolition of a local listed wall which alters the character of the area. The wildlife of the area will be affected by the development. The proposals are in contradiction to the National Planning Policy Framework (NPPF) of 2024. The committee were requested to refuse the application.
4. The committee were reminded that any covenants on the land were not a material consideration for this planning application.
5. David Godden addressed the committee as the applicant and stated they were a family run business, well known in the southeast for high quality developments. The scheme includes 40% affordable housing, parkland, ecological enhancement, and 238 new trees. New housing will always be difficult depending on local circumstances. The development is for one location only, not two as allocated. The scheme will safeguard trees and wildlife. The Design Panel supports the proposals. Martin Carpenter also addressed the committee as the planning consultant and stated that they considered the scheme to conform to policy SA7. The scheme was considered to be comprehensive and supported by planning officers.

#### Answers to Committee Member Questions

6. Councillor Shanks was informed that the affordable housing would be a split tenure with 55% social/affordable rent and 45% shared ownership. It was noted that there is on balance considered no need for more bus stops. Bus numbers 47, 55, 59a, 71 71a and 98 stop to the east of the site and numbers 6, 55, 16a, 71a 98 and N1 stop to the west of the site.
7. Councillor Theobald was informed that there would be an archaeological survey required by condition. The garden sizes are small; however, the design includes multi layered spaces for the houses, raised and on ground level. No formal playground is proposed, however, there is an informal community square and green space to the south. The applicant stated the studio workspaces were small and would have 1 to 2 employees only and the event area would be restricted to 20 attendees.
8. Councillor Sheard was informed that the southern open space would remain in perpetuity for that use, secured via s106 agreement. It was noted that the under the NPPF the scheme was considered justified and strong planning mechanisms are in place to protect the green land and open spaces. The current review of the City Plan could consider expanding the local green space allocation to cover the southern area.
9. Councillor Thomson was informed that there had been two years of pre-application discussions, and the site has been allocated for 11 years so a 'no development' option was not considered. The developer will make community improvements. The cottages are included in the 101 homes proposed. The existing formal footpaths are to be retained. There are 141 car parking spaces with 52 on the roads, the remainder off

street. There is an enforcement investigation ongoing into the demolition of the listed wall which was unauthorised. It was noted by the applicant that the existing BMX track is to be retained and upgraded in the southern parkland.

10. The Heritage Officer noted the conservation area was not at risk. The scheme is considered sympathetic. The boundary wall is to be rebuilt. It was noted that a management plan will be put in place to maintain the historic buildings on the site. It was noted that there was no clear date to when the deterioration of the historic buildings started. The legal officer noted that this was not a planning consideration.
11. Councillor Loughran was informed that the heritage officer considered the scheme to be less than substantially harmful and there were employment benefits. It was noted that there was a small substation proposed within the proposed residential area, the appearance of which would be covered by condition. A flood risk assessment has been submitted and no adverse impact identified.
12. The county ecologist noted that there would be a net loss of diversity due to the density of the development, however, there would be enhancements to the area beyond the curtilage of the development, a 20% biodiversity net gain. All protected species and habitat would be looked after by condition.
13. Councillor Nann was informed that while the scheme intruded into the local green space so the 'golden rules' regarding green belt had to be taken into account, it was essentially a land swap with the southern area remaining undeveloped, so a flexible approach was considered justified. The s106 agreement would cover footpaths, bus stop improvements and parkland. There will be a legal agreement to allow open access to the site. It was noted that the land is currently under private ownership so in theory access could be prevented.
14. Councillor Robinson was informed that the parking will be allocated. It was noted that air source heat pumps and solar panels will be included in the scheme. It was noted by the planning policy officer that there is a need to be flexible in the percentage of affordable homes.
15. Councillor Winder was informed that the privacy screens have been included in the design to prevent overlooking in this relatively high-density scheme. It was noted that there is a community square proposed and food growing area, which was accessed via a tway.
16. Councillor Earley was informed that the new cottages will not be within the conservation area.

#### Debate

17. Councillor Theobald considered the development had some good parts, such as the barn refurbishment. City Plan Part 2 states 3 floors are acceptable; however, this scheme has 4. There could be light pollution, and the bus stops are not near enough. The pedestrian crossing is dangerous. The loss of 39 trees is not good. There may be overflow parking from the barn. The small gardens are not good. The design of the

development is too dense. This is a green lung for the city. The councillor was against the application.

18. Councillor Robinson considered the 101 dwellings were much needed. The application pack was very comprehensive, and the benefits are considered to outweigh the harm. The affordable housing is good, and the heritage areas will be enhanced. The southern parkland was considered good, as was the design. The councillor supported the application.
19. Councillor Thomson considered it was not ideal to build on green spaces, however the southern parkland was good. The councillor was glad the BMX group had been consulted. The councillor supported the application.
20. Councillor Sheard considered more affordable housing would be better. The scheme will not cure the housing crisis in the city; however, it will help. Green space needs saving and housing is needed. The councillor supported the application.
21. Councillor Shanks did not consider the development would destroy the valley. The scheme is well designed, and the housing balance is good. It was considered there was a compromise between wildlife and housing need. The councillor supported the application.
22. Councillor Winder considered the scheme a compromise and the density was not good. The number of new trees was good, as was the access to nature. The councillor supported the application.
23. Councillor Loughran considered the development to be well designed and to meet policy. The access will be improved to the downlands and the southern parkland will also be improved. The affordable housing is good as is the sensitivity of scheme, which will revive the area. The councillor supported the application.

Vote

24. A vote was taken, and by 8 to 1 the committee agreed to grant planning permission.
25. RESOLVED: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **MIND TO GRANT** planning permission subject to the following Section 106 Obligations, Conditions and Informatives, **SAVE THAT** should the s106 agreement not be completed on or before 2/8/25 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

**B BH2024/01721 - Land and Part of Foot Golf Course and Benfield Barn at Benfield Valley, Hangleton Lane, Hove - Listed Building Consent**

1. The case officer introduced the application to the committee.
2. The application for listed building consent was considered at the same time as the planning application. For minutes, please see BH2024/01720.

Vote

3. A vote was taken and the committee agreed unanimously to grant listed building consent.
4. RESOLVED: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives in the report.

**C BH2024/01639 - University of Brighton, 10 - 11 Pavilion Parade, Brighton - Full Planning**

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

Answers to committee Member Questions

2. Councillor Robinson was informed that the Heritage team were aware of the new access which required partial removal of the existing railings, the impact was considered acceptable.
3. Councillor Theobald was informed that the bin and recycling facilities were to be agreed by condition. The fire alarms were a building control matter. The number of bathrooms was considered acceptable. The internal works were considered acceptable as they were minimal due to previous alterations. The s106 agreement regarding a skills/employment contribution was based on standard calculations.
4. Councillor Shanks was informed that a noise impact assessment had been submitted, and sound proofing is to be provided by condition. A 30-day stay was deemed acceptable with to prevent long stays because accommodation was not suitable long term.
5. Councillor Earthey was informed that the bins and access details would be provided by condition.
6. Councillor Loughran was informed that a bedroom had been removed from the scheme for internal cycle parking and details would be provided by condition.

Debate

7. Councillor Robinson considered the development to be good for the city and supported the application.
8. Councillor Theobald considered the scheme to be a good idea and supported the application.
9. Councillor Earthey considered the site to be a prime location and supported the application.

10. Councillor Sheard considered the facilities to be good and a helping reduce the number of short term lets in the city, freeing up housing. The councillor supported the application.
11. Councillor Thomson considered it was good to get away from short term lets and supported the application.
12. Councillor Winder considered the accommodation to be flexible and in a prime location. The councillor supported the application.
13. Councillor Loughran supported the application.

Vote

14. A vote was taken, and the committee voted unanimously 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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives in the report.

**D BH2024/01640 - University of Brighton, 10 - 11 Pavilion Parade, Brighton - Listed Building Consent**

5. The case officer introduced the application to the committee.
6. The application for listed building consent was considered at the same time as the planning application. For minutes, please see BH2024/01639.

Vote

7. A vote was taken and the committee agreed unanimously to grant listed building consent.
8. RESOLVED: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives in the report.

**E BH2024/01310 - 12 Richmond Parade, Brighton - Full Planning**

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

Answers to committee Members questions

2. Councillor Theobald was informed that the fenestration and external appearance are different from the previous application. The roof terrace has been removed, and parking for disabled and cycles has been increased. On balance the scheme is considered acceptable. The purple panels have been replaced with dark grey. It was noted that it was considered that there would be no substantial impact from the development blocking views, or light, for the existing flats.

3. Councillor Robinson was informed that the Brighton Academy are currently using the site for music and noise has been an issue. The hours of use will be limited by condition from 8am to 7pm, Saturday 9am to 1pm, with no Sundays or bank holidays. Outside performances will be prevented by condition. It was noted that the single storey structure fronting onto the road is not part of the application site.
4. Councillor Shanks was informed that the current class use was E and B, and the application is not specific to Brighton Academy.

Debate

5. Councillor Shanks considered the proposals to be an improvement and supported the application.
6. Councillor Theobald considered the site to be a good facility for the arts.
7. Councillor Thomson considered the proposals to be an improvement and supported the application.
8. Councillor Robinson considered the site to be unattractive and supported the application.
9. Councillor Nann supported the application.
10. Councillor Loughran considered the scheme was good for musical theatre and dance.

Vote

11. A vote was taken, and the committee unanimously agreed 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.

**F BH2025/00106 - 29 Grantham Road, Brighton - Full Planning**

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

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

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

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

- 83.1 None for this agenda.

**84 APPEAL DECISIONS**

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

The meeting concluded at 5.41pm

Signed \_\_\_\_\_ Chair

Dated this \_\_\_\_\_ day of \_\_\_\_\_





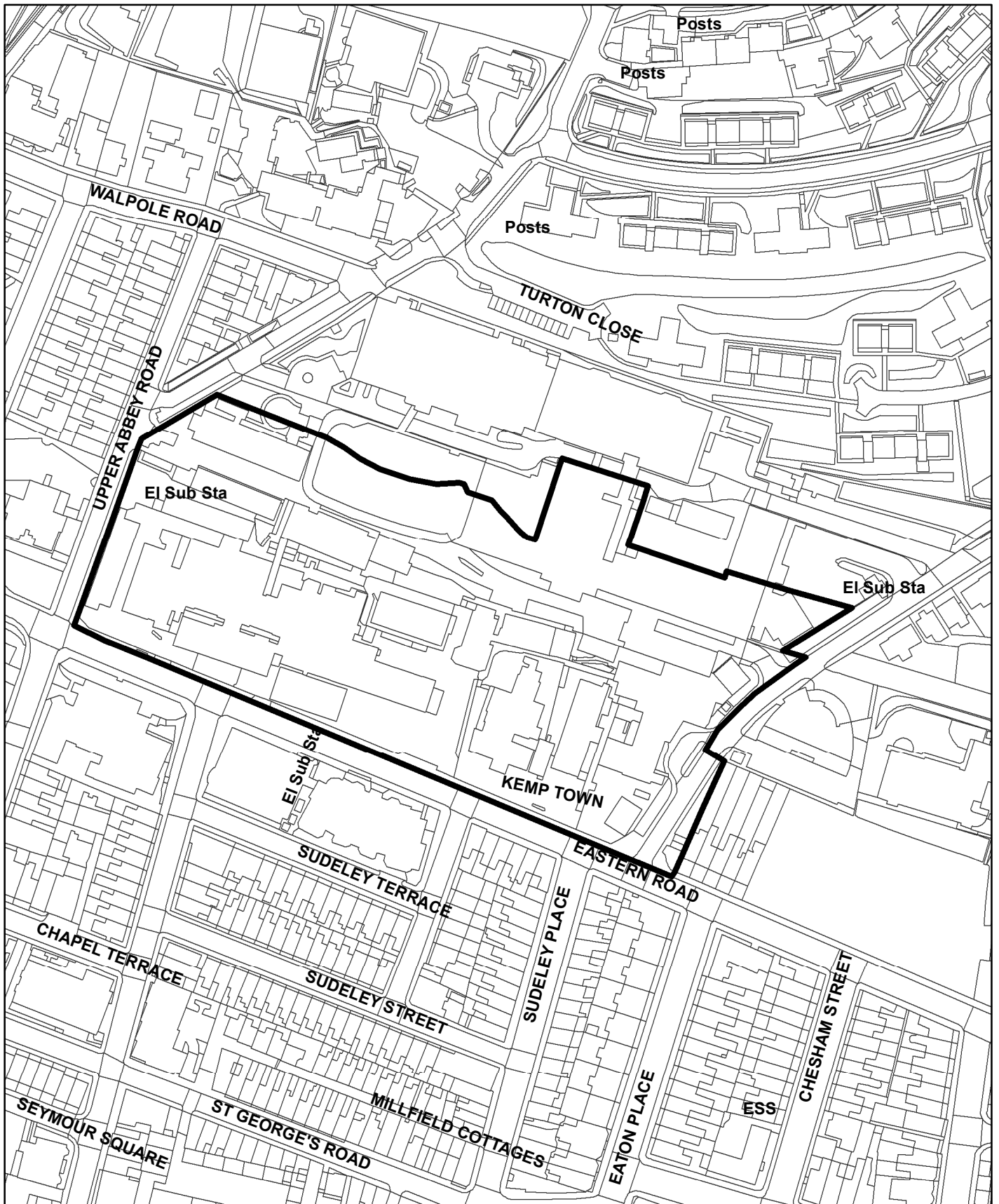
# **ITEM A**

**Royal Sussex County Hospital,  
Eastern Road  
BH2024/02729  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2024/02729 - Royal Sussex County Hospital



N



Scale: 1:2,000



<b><u>No:</u></b>	BH2024/02729	<b><u>Ward:</u></b>	Whitehawk & Marina Ward
<b><u>App Type:</u></b>	Removal or Variation of Condition		
<b><u>Address:</u></b>	Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		
<b><u>Proposal:</u></b>	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)		
<b><u>Officer:</u></b>	Ben Daines,	<b><u>Valid Date:</u></b>	04.11.2024
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	24.02.2025
<b><u>Listed Building Grade:</u></b>	Not Applicable	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	BDP 16 Brewhouse Yard Clerkenwell E17 7QB		
<b><u>Applicant:</u></b>	University Hospitals Sussex NHS Foundation Trust C/o BDP 16 Brewhouse Yard Clerkenwell E17 7QB		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement for planning permission BH2011/02886 (as amended by BH2021/03056), and the following Conditions and Informatives as set out hereunder **SAVE THAT** should the Deed of Variation not be completed on or before 30 July 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report.

### 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	BDP-AR-ST1-A00-EL-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0202		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0204		04-Nov-24

Proposed Drawing	BDP-AR-ST1-A00-EL-00-0251		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L02-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L03-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST1-A00-GA-L04-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L05-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L06-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L07-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L08-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L09-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L10-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L11-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L12-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-GA-L13-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0209		04-Nov-24
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0212		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0202		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0203		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0204		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0251		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-GA-B01-0201		04-Nov-24
Proposed Drawing	BDP-AR-ST2-A00-GA-L01-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L02-0201		11-Apr-25

Proposed Drawing	BDP-AR-ST2-A00-GA-L03-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L04-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L05-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L06-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-GA-L07-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0201		11-Apr-25
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0206		04-Nov-24
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0203		04-Nov-24
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0204		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-EL-00-0202		11-Apr-25
Proposed Drawing	BDP-AR-SW-A00-GA-00-0271		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0291		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-281		04-Nov-24
Proposed Drawing	BDP-EL-SW-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-EL-SW-A00-GA-ZZ-0202		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-GA-02-1002		04-Nov-24
Proposed Drawing	BDP-LS-ST1-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-01-1001		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-01-1005		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-03-1003		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-04-1004		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-1000		11-Apr-25
Proposed Drawing	BDP-LS-ST2-A00-GA-ZZ-1001		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-01-1001		04-Nov-24

Proposed Drawing	BDP-LS-ST2-A00-SE-01-1002		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-01-1005		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-02-1003		04-Nov-24
Proposed Drawing	BDP-LS-ST2-A00-SE-03-1004		04-Nov-24
Proposed Drawing	BDP-LS-ST3-A00-GA-ZZ-1000		04-Nov-24
Proposed Drawing	BDP-LS-SW-A00-GA-L01-0201		11-Apr-25
Proposed Drawing	BDP-LS-SW-A00-GA-ZZ-0201		11-Apr-25
Proposed Drawing	ST2-WSP-XX-XX-DR-C-521005		04-Nov-24
Proposed Drawing	ST2-WSP-XX-XX-DR-C-521005		04-Nov-24
Proposed Drawing	ST2-WSP-XX-XX-DR-C-5250		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521000		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521004		04-Nov-24
Proposed Drawing	ST3-WSP-XX-XX-DR-C-521006		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0201		04-Nov-24
Proposed Drawing	BDP-AR-SW-A00-GA-00-0241		04-Nov-24

2. Not Used
3. Noise associated with plant and machinery incorporated within the development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
4. Apart from patient transfer, no vehicular movements nor any loading or unloading of vehicles shall take place in the Stage 3 service yard or on the southern service road except between 7am and 7pm.  
**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 tree planting scheme for Bristol Gate and Whitehawk Hill Road shall be carried out in accordance with details approved under BH2022/02620 and shall be retained as such thereafter.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
6. Any trees which are planted as required by condition 5, that die within 5 years of being planted, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
7. Use of the basement car parking hereby approved shall be for patients and visitors only.  
**Reason:** To ensure the development provides for the needs of patients and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
8. Not used
9. The cycle parking facilities at the North Access Road shall be carried out in accordance with details approved under BH2016/00623 and retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CP9 of the City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
10. The helipad and associated plant, lifts and staircases shall be carried out in accordance with details approved under BH2022/02556 and retained as such thereafter.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy CP12 and CP15 of the City Plan Part One and policies DM26 and DM29 of the City Plan Part Two.
11. The external lighting of the helipad shall be carried out in accordance with details approved under BH2022/02555 and retained as such thereafter.  
**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.
12. The helipad hereby approved shall not be used other than by helicopters of the Air Ambulance, HM Coastguard or Police, for Major Trauma Medical

Emergencies or Major Incidents and will not be used for any other journeys whatsoever including visitors, personal or pleasure use.

**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.

13. The helipad shall only be used between 07.00 and 19.00 hours except in the case of a Major Incident. A Major Incident is defined within the NHS Emergency Planning Guidance (2005), or any subsequent update to this Guidance.

**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.

14. The number of helicopter flights landing on the helipad hereby approved shall be limited to 64 per annum plus a tolerance of 10 %.

**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.

15. All lighting on the helipad shall only be in use temporarily in connection with an impending helicopter landing or departure for the minimum period required for operational or safety reasons. An exception to this will be any steady red aviation warning lighting required at night by the Civil Aviation Authority on tall buildings or structures.

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

16. The helipad hereby approved shall not be used for carrying out routine repairs and maintenance to helicopters including leaving engines idling.

**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.

17. Following the commencement of use of the helipad, annual monitoring reports shall be submitted to the Local Planning Authority for a period of 10 years. The reports shall include details of:

- a) Total number of landings and departures in previous 12 months.
- b) Total number of daytime (0700-1900 hours) and night time flights in previous 12 months
- c) Details of the number of flights carried out by each operator permitted to use the helipad in condition 15.
- d) Trauma level and degree of medical emergencies (using the medical definition of a Major Trauma as having an Injury Severity Score of 15 or above) for which the helipad was used in daytime and night time.
- e) A log of the number of complaints in the previous 12 months received by the Trust concerning all operations of the helipad.

During this 10 year period the Trust shall make the log book of helipad use available for the Council's inspection upon 7 days prior notice.

**Reason:** In order to monitor and minimise the levels of activity associated with the helipad and to safeguard the amenities of local residents and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

18. The materials used for the external surfaces of the helipad, additional lifts and energy centre shall be in accordance with details approved under BH2017/02559.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP15 of the City Plan Part 1 and policies DM18, DM26 and DM29 of the City Plan part Two.

19. The energy centre emissions shall be in accordance with details approved under BH2021/03391 and retained as such thereafter.

**Reason:** To protect local air quality and to ensure that the cumulative impacts are managed and to comply with policy DM40 of the Brighton & Hove City Plan Part Two.

20. Remedial works and measures to avoid risks from contaminants and/or gases during the construction of the Stage 1 development shall be carried out in accordance with details approved under BH2016/01437 and BH2021/03392. Thereafter the scheme shall be monitored and maintained in accordance with the approved details.

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

21. Not used

22. The Stage 1 external lighting shall be carried out in accordance with the details approved under BH2021 BH2021/03682 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.

23. An acoustic survey shall be carried out post completion of the Stage 1 building plant installations to demonstrate that all plant and machinery is capable of running cumulatively at no higher than existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to and approved in writing by the Local Planning Authority with 5 months of the date of this permission.

**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.

24. The means of foul water disposal for the Stage 1 development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply

with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

25. The water infrastructure for the Stage 1 development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.  
**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
26. The development shall be implemented in accordance with drawing refs: WSP-CI-SW-A00-PL-C0-5201 Rev. C07, WSP-CI-SW-A00-PL-C0-5202 Rev. C08 and ST2-WSP-XX-XX-DR-C-521000 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.  
**Reason:** To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with and policy CP11 of the Brighton & Hove City Plan Part 1 and polices DM42 and DM43 of the Brighton & Hove City Plan Part Two.
27. The landscaping scheme for the Stage 1 site shall be implemented in accordance with the details approved under BH2022/02622.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
28. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 1 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
29. Not used
30. Not used
31. The cycle parking facilities for the Stage 1 development shall be carried out in accordance with details approved under BH2021/03393 and shall thereafter be retained for use at all times.

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

32. The Real Time Information and REACT facility for the Stage 1 Building shall be implemented in accordance with details approved under BH2022/02604 and shall be retained as such thereafter.

**Reason:** To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the Brighton & Hove City Plan Part 1 and policy DM33 of the Brighton & Hove City Plan Part Two.

33. The signage strategy shall be implemented in accordance with details approved under BH2022/01939.

**Reason:** To ensure efficient navigation around the site and to comply with policy DM33 of the Brighton & Hove City Plan Part Two.

34. The non-clinical waste and recycling strategy shall be implemented in accordance with details submitted under BH2022/02681.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy CP8 of the City Plan Part 1.

35. The Bristol Gate Piers shall be rebuilt in accordance with details approved under BH2016/01603.

**Reason:** To ensure the satisfactory preservation of these listed structures and their setting and to comply with policy CP15 of the Brighton & Hove City Plan Part 1 and policies DM27 and DM29 of the Brighton & Hove City Plan Part Two.

36. Not used

37.

(i) The remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed shall be implemented fully in accordance with the details approved under BH2023/02691.

(ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 2 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

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

38. If, during development of the Stage 2 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

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

39. No development shall commence at Level 1 of the Stage 2 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

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

40. Noise associated with plant and machinery incorporated within the Stage 2 development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections. An acoustic report demonstrating this shall be submitted to the Local Planning Authority within 3 months of first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

**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.

41. Not used.

42. The means of foul water disposal for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-WSP-XX-XX-DR-C-521002 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

43. The water infrastructure for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-HLP-LM-XX-DR-P-531001 Rev. P02, and ST2-HLP-LM-B1-DR-P-531001 Rev. P04 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply

with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.

44. The surface water drainage for the Stage 2 development shall be implemented in accordance with drawing refs: ST2-WSP- XX-XX-DR-C-521003 Rev. P04, ST2-WSP-XX-XX-DR-C-521005 Rev. P04 and ST2-WSP-XX-XX-DR-C-525000 Rev. P06 unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.  
**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
45. No development shall commence at Level 1 of the Stage 2 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the Stage 2 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
46. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 2 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
47. Not used.
48. Notwithstanding the drawings hereby approved, prior to the re-construction of the boundary wall along Upper Abbey Road, further details of the design and materials of the wall shall be submitted to and approved by the Local Planning Authority. A sample panel shall also be constructed on site for approval by the Local Planning Authority. The wall shall be implemented fully in accordance with the approved details prior to the occupation of the Stage 2 Building.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part 1 and policy DM26 of the Brighton & Hove City Plan Part Two.

49. The Stage 2 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities associated with Stage 2 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CP9 of the City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

50. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the Stage 2 development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

51. The Stage 2 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 2 Building being first occupied and shall be retained as such thereafter.

**Reason:** To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the Brighton & Hove City Plan Part 1 and policy DM33 of the Brighton & Hove City Plan Part Two.

52. No development at Level 1 of the Stage 2 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.



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

53.

- i) No works shall take place on the Stage 3 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 3 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented such verification for each phase shall comprise:
  - a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

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

54. If, during development of the Stage 3 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

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

55. No development shall commence at Level 3 of the Stage 3 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

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

56. Noise associated with plant and machinery incorporated within the Stage 3 development (with the exception of emergency plant) shall be controlled such that the Rating Level, measured or calculated at the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014:A1:2019, including consideration of any character corrections. An acoustic report demonstrating this shall be

submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

**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.

57. No works on the Stage 3 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
58. No works on the Stage 3 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the Brighton & Hove City Plan Part 1 and policy DM43 of the Brighton & Hove City Plan Part Two.
59. No works on the Stage 3 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy' (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion.  
Prior to the occupation of the Stage 3 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with and policy CP11 of the Brighton & Hove City Plan Part 1 and policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.
60. No development shall commence at Level 3 of the Stage 3 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 3 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

61. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 3 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

62. No development of the Stage 3 site shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the Stage 3 development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy CP8 of the City Plan Part 1.

63. No works shall take place on the Stage 3 development site until a servicing and delivery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the type and size of delivery vehicles that may use the service yard and arrangements for access and egress to and from the public highway and the service yard. The scheme shall also include details of a swept path analysis for HGV and larger delivery vehicles. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To safeguard the amenities of the occupiers of residential properties with the objective of minimising use of the service road exit onto Upper Abbey Road and to minimise noise and disruption and congestion on Upper Abbey Road and to comply with policy DM36 of the City Plan Part Two.

64. No development at Level 3 of the Stage 3 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One and DM18 and DM26 of the City Plan Part Two.

65. The landscaping scheme for the substation site shall be carried out in accordance with details approved under BH2022/02619.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
66. All planting, seeding or turfing comprised in the approved scheme of landscaping for the substation site shall be carried out in the first planting and seeding seasons following the operation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part 1 and DM18, DM22 and DM37 of the Brighton & Hove City Plan Part Two.
67. Notwithstanding the drawings hereby approved, details of the layby at the front of the Stage 2 building shall be submitted to and approved in writing by the Local Planning Authority. The layby shall be implemented in accordance with the approved details prior to commencement of use of the Stage 2 building and shall thereafter be retained.  
**Reason:** In the interests of highway safety and to comply with policies DM33 and DM36 of the Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
68. In accordance with the Ecology Statement (The Environment Partnership, October 2024, Rev. P01); no development of Stage 3 (Service Yard site) shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for the presence of bats in Building B8 (existing Sussex Cancer Centre) has been undertaken, in accordance with best practice. As a minimum, this will include an updated preliminary roost assessment (PRA) which will inform the need for further surveys. Where the PRA indicates that further surveys of the building are required, no work may be undertaken that may impact a potential bat roost until the required survey work has been completed, submitted and approved in writing by the local planning authority.  
Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** As bats are a mobile species whose activities/patterns varies across the year and in reaction to a range of influencing factors, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed under the Conservation of Habitats and Species Regulations 2017, as amended.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. The applicant is advised that the above conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with these conditions the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

6. Additionally, the holding of a planning consent, does not guarantee against the Council receiving and being required to investigate complaints of noise or light nuisance. The Council has a statutory duty to investigate such matters under the Environmental Protection Act 1990 and if deemed to be a statutory nuisance, to serve an abatement notice to remedy the matter accordingly.
7. Not used.
8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
9. With regard to condition 12, a Major Trauma Medical Emergency is defined as having an Injury Severity Score of 15 or more, using the Association for the Advancement of Automotive Medicine's global Abbreviated Injury Scale (1974).
10. With regard to conditions 12 and 13, the NHS Emergency Planning Guidance (2005) defines a Major Incident as 'any occurrence that presents serious threat to the health of the community, disruption to the service or causes (or is likely to cause) such numbers or types of casualties as to require special arrangements to be implemented by hospitals, ambulance trusts or primary care organisations.'
11. Not used.
12. The applicant should note that the CEMP as finally agreed should include details of 24 hour helpline for local residents to contact Council officers as well as the applicant/contractor.
13. The s106 Public Art Contribution should in part be used to fund the installation of a blue plaque to commemorate the work of Charles Barry on the site.
14. The existing historic signage located on the site should not be lost and should be re-used throughout the site as appropriate.

## **2. SITE LOCATION**

- 2.1. This application relates to the Royal Sussex County Hospital (RSCH) which is bounded by Eastern Road on its south side, Bristol Gate to the east, Upper Abbey Road and Whitehawk Hill Road to the west, and Turton Close and the Bristol Estate to the north.
- 2.2. The main focus of this application is on the land to the south of the Southern Service Road that runs east to west through the hospital. It comprises part of the '3Ts development' - the Brighton Trauma, Tertiary and Training redevelopment of the hospital site initially permitted in 2012 (ref. BH2011/02886). This land currently comprises the following:

- The Louisa Martindale building with basement car park (Stage 1 of the 3Ts development) which was completed in 2023;
  - A vacant area of land where the Barry Building was previously located until it was demolished in 2024 to allow for the development of the Stage 2 Cancer Centre building;
  - The land currently comprising the Sussex Cancer Centre located to the east of the Louisa Martindale building, adjacent Bristol Gate, comprising Stage 3 of the 3Ts development.
- 2.3. The wider site also includes the Thomas Kemp Tower, Royal Alexander Children's Hospital (RACH), the A&E building to the north of the South Service Road, and to the north of North Road is the Millenium Wing building and the multi-storey car park.
- 2.4. The RSCH site rises up steeply north of Eastern Road and there is a difference in levels of approximately 18 metres from Eastern Road to the northern boundary of the hospital site.
- 2.5. There are other RSCH buildings on the south side of Eastern Road including the Outpatients building, the Audrey Emerton Building and the Sussex Eye Hospital. These buildings are located outside of the application site. The Macmillan Horizon Centre is located to the east of the site and east of Bristol Gate.
- 2.6. Upper Abbey Road to the west consists of two-storey Victorian terraced residential properties, as well as Courtney King House, a 10 storey residential block, to the south of the terrace at the junction with Eastern Road.
- 2.7. Two and three-storey residential properties are present to the south of the site on Eastern Road, east of the Eye Hospital. To the east of Bristol Gate on the north side of Eastern Road are a block of four storey terraced dwellings.
- 2.8. Further to the east is St Mary's Hall and to the north of the playing field is the former Junior School which is now in use by Brighton College.
- 2.9. To the north of the main RSCH is the Bristol Estate, which comprises a number of blocks of flats ranging from 3 to 9 storeys in height. These flats are set in spacious open grassed amenity grounds and are in an elevated position overlooking the hospital site. The residential blocks at Turton Close and Chadbourn Close are closest to the hospital site. Nos. 1 -24 Turton Close is a 6 storey block and Nos. 2 - 4 Chadbourne Close are 3 storeys.
- 2.10. The East Cliff Conservation Area runs along the southern side of Eastern Road (omitting the hospital buildings to the south of Eastern Road) and extends down to the seafront. The north-east part of the conservation area nearest the hospital comprises tightly knit streets of two storey Victorian terraced dwellings.
- 2.11. The College Conservation Area to the west of the site is much smaller and mainly comprises the Brighton College School site and the terraced residential

streets on its east and north side. The front of the College on Eastern Road comprises Grade II Listed buildings.

- 2.12. The Kemp Town Conservation Area adjoins East Cliff to the east and comprises Arundel Terrace, Chichester Terrace and the set pieces of Sussex Square and Lewes Crescent. The grand four storey white rendered residential properties here are Grade I Listed although many of them have had a variety of roof extensions and alterations carried out.

### 3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with the RSCH, the following are considered to be of most relevance to this application:
- 3.2. **PRE2023/00146:** Pre-application discussions took place between August 2023 and November 2024. A Planning Performance Agreement (PPA) between the applicant and the Council was also signed during this period.
- 3.3. Discussions related to the proposed amendments to the Stage 2 building, new public plaza, removal of basement parking under the Stage 2 building, the proposed layby in front of the Stage 2 building, and the boundary treatment along Upper Abbey Road. There have only been relatively minor changes made to the proposals since the pre-application enquiry was first submitted relating to the façade of the building, and how it addresses Eastern Road and Upper Abbey Road. Some minor alterations were also made to the proposed layby on Eastern Road, south of the Stage 2 building, and at a late stage in the pre-application process, the Trust decided to remove both floors of basement parking under the proposed Stage 2 building.
- 3.4. **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)). (The application includes an Environmental Impact Assessment). **Approved** 18 October 2022.
- 3.5. **BH2011/02886:** *[the original '3Ts' development]* 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. **Approved** 28 March 2012.

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

- 4.1. This planning application is submitted under S73 of the Town and Country Planning Act and proposes amendments to planning permission BH2021/03056 (which previously amended planning application BH2011/02886). These amendments are as follows:
- An increase in the height of the main Stage 2 Cancer Centre building by up to 6.5m. The building will still remain at 5 storeys however.
  - An overall reduction in the amount of floorspace of the building from 19,536sqm (excluding basement parking) to 12,808sqm.
  - Alterations to the design and materials of the Stage 2 building.
  - The removal of 2 floors of basement parking proposed beneath the Stage 2 building. This results in a reduction in the number of parking spaces provided as part of the 3Ts development from 390 to 98 parking spaces.
  - Provision of a new landscaped public plaza between the Louisa Martindale building and the amended Cancer Centre building. This is partly to compensate for the proposed loss of the roof terrace on the Cancer Centre previously approved under BH2021/03056.
  - Amendments to the layby at the front of the Cancer Centre for Patient Transport Services, taxis and private vehicles
  - The addition of two 10m high vacuum insulated evaporator (VIE) tanks in the Stage 3 service yard area at the south eastern end of the site.
- 4.2. In addition to the above changes, a number of conditions are proposed to be amended including conditions relating to plant and machinery noise levels, surface water drainage, acoustic surveys, rainwater recycling, foul water, water infrastructure, and the roof terrace on the Stage 2 building. These amendments are considered in further detail later in this report.
- 4.3. Many of the above amendments have arisen through the need to meet the functional /operational requirements of the hospital as well as the requirements of legislative updates that have occurred since planning permission was originally granted in 2012.
- 4.4. It should be noted that an Environmental Impact Assessment (EIA) was submitted with the original 2011 planning application and so an EIA addendum has been submitted with this current application which updates the original EIA to include updated baseline data and take account of new legislation introduced since 2011.

## **5. REPRESENTATIONS**

5.1. During the course of the application, objections from 34 individuals were received, raising the following concerns:

- Design of updated scheme has little in common with the original in terms of scale and design, undermine the initial vision, raises questions about the project's overall coherence and integrity. No account taken of resident feedback. Detrimental impact on the surrounding environment, listed buildings and conservation areas.
- Proposed building extends much further north than the Barry Building.
- Reduction in parking will lead to increased competition for street parking and higher congestion in the surrounding area. In combination with proposals for Brighton College, traffic impacts will get much worse for residents.
- Travel Plan and parking plan is not rigorous enough.
- Loss of outlook and light as a result of the increased height of the building, overbearing and will dwarf neighbouring properties. Public realm should be reduced or removed to move the building away from Upper Abbey Road.
- New public realm will become wind tunnel, will receive very little light, better situated at the western side of the site where it will get more light. Not good use of space.
- Stage 2 building will create a wind tunnel between the new building and Courtney King House
- Increased disruption, noise and light pollution.
- Ongoing problems with ventilation noise, smokers, litter etc without action from Trust.
- Upper Abbey Road will be in the highest dust zone and there appears to be no plan to deal with this.
- Stepped roofline westwards and northwards would address the increased height of the proposal.
- Noise and sunlight surveys have not been carried out correctly and assume best case scenario.

5.2. Three letters of support have also been received and are summarised below:

- Whole community will benefit from an improved Cancer treatment facility which will save countless lives.
- Building complements its surroundings and matches the Louisa Martindale building.

5.3. Three representations neither objecting nor supporting the application have also been received but these do not raise any issues not already set out above.

## **6. CONSULTATIONS**

Internal Consultees

- 6.1. **Air Quality:** No objection but make the following comments:  
It is in the public interest that the developer fund NO2 and PM2.5 monitoring at various height on the hospital. Reasons to justify this are public awareness and to evidence and verify model predictions in pollutant concentrations, that include combustion emissions and effects of new buildings.
- 6.2. **Economic Development:** No comment
- 6.3. **Environmental Health:**  
No objection to changing the wording of condition 3 (plant noise) and condition 40 (Stage 2 acoustic survey).
- 6.4. Insufficient information to justify amending the wording of condition 56 (Stage 3 acoustic survey).
- 6.5. **Heritage:** No objection subject to appropriate conditions. Heritage make the following comments:  
Elevations: On the pedestrian level the long brick and flint wall facing Upper Abbey Road is of limited historic character but not listed or in the conservation area and therefore there should be no objection to its removal and reconstruction, provided the replacement does not harm the historic character of the street. However, the proposed wall elevations would become bleaker than was previously proposed as they are shown in the west elevation drawings of the proposal. Also, the finish of these walls should be related in materials on the south and west elevations. The removed materials of the demolished wall are now said to be insufficient for reuse. There is no objection to the use of new materials, but a more detailed design of this wall should be devised for approval in conditions with samples prepared on site for the use of different materials. The wall should have a more positive impact for pedestrian outlook. More activity variation of pattern or material design should be possible. The proposed elevation is a cheapening of the proposal that is at the expense of quality of the environment for pedestrians.
- 6.6. Longer views: The building will affect the setting of those terraced houses on Upper Abbey Road. This is especially negative where the long blank wall of the hospital faces the southern end of the terrace, however, the existing wall is already quite bleak. Anything that can be done to improve the design of that wall onto the footpath should be considered and included in conditions. From the south the development will be seen from within the East Cliff Conservation Area. The development will be most prominent from Paston Place and while there are no listed buildings at the north end of the road and the conservation area does not reach the corner there are a number of listed buildings further south on each side of the road. On the west side is the grade II listed St Georges Church and further North is the grade II listed Southpoint House (previously The Royal Gymnasium). Between these listed buildings are regular terraces of three storey stucco finished nineteenth century houses, all within the conservation area and of historic significance. Though someway further back the new hospital will cut across the end of this view with its 5

storeys. However, on balance the view will only be slightly more harmed than the approved scheme as the historic buildings are sufficiently far away for the increase in height to be less noticeable. Viewed from Abbey Road the proposal will have a less significant impact as the listed building on the west side of the corner does not come close to the sightlines of the development.

- 6.7. **Scale and Massing:** The greater bulk of the building is taller than the approved development (BH2021/03056) and has a boxier form, lacking some of the architectural interest of the previously approved scheme. It will have a less positive elevation that will not contribute so much to the character of Eastern Road, but the buildings on the opposite side of the road that directly face the site are of less historic significance so the harm will be limited. In addition, the massing is mitigated by the open space between this development and the previous phase of the hospital offering some relief to view at the street level views and a break in the building line.
- 6.8. **Materials:** Conditions should be attached to ensure a high quality of materials. This is especially important at ground floor level. Much of the building is faced in precast concrete panels with varying finishes, the specifications and samples of all of these should be approved in conditions.
- 6.9. **Planning Policy:** No comment
- 6.10. **Urban Design Officer:** No objection subject to conditions securing further details of materials, landscaping, and boundary treatments (particularly the west wall along Upper Abbey Road).
- 6.11. **Sustainable Drainage:** No objection
- 6.12. **Sustainable Transport:** Object for the following reasons:
- Safety concerns regarding the proposed layout of the layby on Eastern Road
  - Car parking arrangements (that these proposals are dependent upon) not being detailed adequately, and external staff car parks not demonstrated to be available in the long term.
  - The County Hospital westbound bus stop on Eastern Road not being proposed to be improved, either fully or temporarily, before the completion of the project in several years.
- 6.13. [Negotiations ongoing, to be updated via late list/verbally at Committee]
- External Consultees
- 6.14. **Brighton & Hove Archaeological Society:** No objection
- 6.15. **Brighton City Airport:** No objection
- 6.16. **County Archaeology:** No objection
- 6.17. **Country Ecology:** No objection subject to a condition securing an updated survey for the presence of bats in the existing Sussex Cancer Centre building.

- 6.18. **Historic England:** No comment
- 6.19. **National Highways:** No objection
- 6.20. **Sussex Police Designing Out Crime Officer:** No objection
- 6.21. **South Downs National Park Authority:** No comment
- 6.22. **Southern Water:** No objection but make the following comments:  
The public sewer is a combined system, receiving both foul and surface water flows, therefore no flows greater than are currently directly received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows.
- 6.23. If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey showing the existing impermeable areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

## **7. MATERIAL CONSIDERATIONS**

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

CP8 Sustainable buildings

CP7 Infrastructure and Developer Contributions

CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP13 Public Streets and Spaces  
CP15 Heritage  
CP18 Healthy City

Brighton and Hove City Plan Part Two:

DM9 Community Facilities  
DM18 High quality design and places  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets  
DM33 Safe, Sustainable and Active Travel  
DM36 Parking and Servicing  
DM37 Green Infrastructure and Nature Conservation  
DM40 Protection of the Environment and Health – Pollution and Nuisance  
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, scale, layout, appearance, and heritage; impact on amenity; sustainable transport; landscape and ecology; sustainability; air quality and noise pollution; sustainable drainage and water quality, and wind microclimate.
- 9.2. Whilst the current application covers all three stages of the 3Ts development at the hospital, given the Stage 1 Louisa Martindale building has been completed in accordance with the previous S73 consent on the site, no further consideration is given to the Stage 1 building in this report. Instead the report focuses on the amendments to the Stage 2 Cancer Centre building and the removal of the previously approved basement parking beneath it, and the amendments to the Stage 3 service yard area.

### **Principle of Development**

- 9.3. The principle of the redevelopment and enlargement of the Royal Sussex County Hospital (RSCH) has already been established by planning consent BH2011/02886, and the subsequent S73 application BH2021/03056. In

considering the application, significant weight must be given to the fact that the applicant can implement the schemes approved through these applications.

- 9.4. It should also be noted that the principle of the redevelopment and enlargement of the RSCH is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part One which allocates the site for the following: *‘Comprehensive redevelopment and enlargement of the hospital to provide 74,000sqm additional hospital (C2 use) floorspace, including the floorspace granted planning permission in 2012...’*
- 9.5. The current planning application would accord with this policy.
- 9.6. Also relevant to this application and the principle of development is paragraph 101 of the National Planning Policy Framework (NPPF) which states that *‘Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.’* The enhancement of hospital facilities within the City would have significant health benefits for residents of the City and beyond.
- 9.7. The principle of hospital-related development on the site is therefore clearly established and acceptable.

**Design, Scale, Appearance and Heritage**

- 9.8. Policy CP12 (Urban Design) of the City Plan Part 1 (CPP1) states, amongst other things, that all new development will be expected to:
1. *“Raise the standard of architecture and design in the City;*
  2. *Establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods;*
  3. *Achieve excellence in sustainable building design and construction;*
  4. *Conserve or enhance the city’s built and archaeological heritage and its settings;*
  5. *Have regard to impact on the purposes of the National Park, where within the setting of the National Park;*
  6. *Protect or enhance strategic views into, out of and within the city;*
  7. *Be inclusive, adaptable and accessible;*
  8. *Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and*
  9. *Incorporate design features which deter crime or disorder and the fear of crime.”*
- 9.9. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.
- 9.10. The design aspects of the amended Stage 2 building and the Stage 3 service yard of the RSCH 3Ts development are assessed separately below.

## Stage 2 - Cancer Centre

### **Scale**

- 9.11. The most significant design amendments proposed as part of this application relate to the Stage 2 Cancer Centre building. In respect of the scale of the building, whilst still being five storeys in height, the overall height of the proposed building would increase by up to 6.5 metres. Therefore, when measured from Eastern Road, the height of the main building would increase from approximately 20.5m to 27m and when measured from the rear of the building adjacent to the South Service Road, the building would increase from approximately 14.5m to 21m. The reason why the measurement of the height of the building from ground level is significantly greater at the front of the building than the rear is due to the significant increase in site levels from south to north. The proposed Stage 2 building would be sunken into the ground at the northern end.
- 9.12. The applicant has stated that the reason for the proposed increase in the height of the Stage 2 building is due to the additional space required for ventilation services to meet modern infection control, energy efficiency and fire safety standards.
- 9.13. Even with the proposed increase in height, the Stage 2 building would still be significantly lower than the Stage 1 Louisa Martindale building to the east and the Royal Alexander Children's Hospital (RACH) to the north, and would be a very similar height to Courtney King House, the flat block to the west of the proposed Stage 2 building. Therefore the amended Stage 2 building would not appear incongruous or out of character in the streetscene. The RSCH site is characterised by tall buildings and much of the Eastern Road/Edward Street corridor including the hospital is designated as an area with potential for tall buildings within the Council's Urban Design Framework (SPD17).
- 9.14. A series of viewpoints of the proposed Stage 2 and Stage 3 developments have been assessed in a Landscape and Visual Impact Assessment (LVIA) contained within the EIA addendum. The viewpoints generally demonstrate that the proposed amended Stage 2 building is barely visible in most long views and generally only visible at relatively close range. The one exception to this is the view from Marine Parade looking up Paston Place. This is a mid-range view rather than long-range but the proposed Stage 2 building can be seen clearly from Marine Parade. Whilst the proposed building is less sympathetic to the overall heritage context than the now demolished Barry Building, the impact of the amended Stage 2 building would not be significantly greater than the impact of the previously consented Stage 2 scheme on this view and any additional impacts resulting from the increased height are not considered so harmful as to warrant a reason for refusal of planning permission.

### **Layout, Appearance and Materials**

- 9.15. Having regard to the overall floor area of the Stage 2 building, this would be reduced significantly from 19,536sqm (excluding the basement car park) to 12,808sqm which would partly help to mitigate the increase in height. This



overall reduction in floorspace is a result of changes in cancer care requirements, such as a greater reliance on outpatient and ambulatory care, and an increased number of virtual appointments. In addition, the completed Louisa Martindale Building has been able to service some of the ancillary uses of the previously approved Sussex Cancer Centre.

- 9.16. Internally the Stage 2 Cancer Centre would be laid out as follows:
- Level 01 (Ground level) – Main entrance and radiotherapy. This includes the radiotherapy bunkers on the western side of the building adjacent to Upper Abbey Road.
  - Level 2: Haematology/Oncology Outpatients Department
  - Level 3: This floor primarily comprises plant as well as staff facilities and two counselling rooms
  - Level 4: Haematology and Oncology Ward – contains 36 single bedrooms placed along the perimeter to maximise natural light.
  - Level 5: Day Unit including the assessment unit and treatment chairs
- 9.17. Despite the decrease in floor area, the number of patient beds within the building has increased from 26 to 36 to increase overall capacity for cancer patients.
- 9.18. This reduction in floorspace allows for the creation of a landscaped public plaza between the Stage 1 and Stage 2 buildings which would help to break up the overall mass of the entire 3Ts development and provide soft landscaping/planting to improve the appearance of the site visually, particularly when viewed from Eastern Road. A link between the Stage 1 and proposed Stage 2 building would be provided at the northern end of the public plaza. The Stage 2 building, which has the main entrance on the east elevation, would be accessed via the new public plaza.
- 9.19. Having regard to the façade/external materials and overall appearance, a number of changes are proposed to the Stage 2 building as part of the current application. The previously consented scheme had a frontage split into three separate components including an atrium rotunda as a central focal point and two elevations flanking it on either side. The consented scheme was said to draw inspiration from the rounded facades of Brighton's Regency terraces and coastal buildings.
- 9.20. The Stage 2 building proposed as part of this application would appear more utilitarian than the previously consented scheme with a greater emphasis on functionality rather than form or design. The reduction in the size of the footprint of the building has resulted in the loss of the three separate components of the frontage which characterised the approved scheme. The proposed building, as amended, would be of a squarer form laid out around a central external landscaped courtyard. Whilst the majority of the building is 5 storeys high, the eastern side of the building which houses the radiotherapy bunkers is single storey with a landscaped terrace on top of this single storey element.

- 9.21. As with the previously approved scheme and similar to the Louisa Martindale building, the main elevations of the Stage 2 building would comprise reconstituted stone panels with textured surfaces. The finish of the panels at ground floor level is slightly different to the rest of the building in that has a flint-like finish informed by the existing flint wall along Upper Abbey Road. Anodized aluminium will be employed for the shading systems, spandrel panels and the soffit. A condition will be added to any planning consent to secure further details regarding materials to ensure a high quality finish.
- 9.22. Overall, despite the amended Stage 2 building being of a simpler design of lesser quality than the previously approved scheme, the design and appearance is still considered to be generally consistent with the adjacent Louisa Martindale building and is not considered that the Stage 2 building's more basic form would be so harmful as to warrant a refusal of planning permission, particularly given the significant weight that must be given to the public benefits of the scheme.

### **Heritage**

- 9.23. Policy DM26 (Conservation Areas) states that *'development proposals within conservation areas will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.'*
- 9.24. Whilst the site is not within a conservation area, it is located adjacent to the East Cliff Conservation Area to the south, immediately across Edward Street, and relatively close to the College Conservation Area to the west. There are also some Listed buildings - the Grade II Listed 53 College Street (and attached walls and railings), 17 & 19 Abbey Road (and attached walls and railings), and the Royal Gymnasium and attached railings on Paston Place – as well as a locally listed building (Sussex Eye Hospital) within the vicinity of the site, although not immediately adjacent.
- 9.25. 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 the setting of 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.
- 9.26. 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".
- 9.27. The impact on heritage assets is assessed relative to that of the already consented Stage 2 building as this consented scheme is extant and can be implemented at any time. As set out above, whilst the current proposal would be up to 6.5m higher than the approved scheme (albeit still 5 storeys), this is

not considered a significant issue in relation to the setting of the Conservation Area and other heritage assets given the height of the building would still be significantly lower than the Louisa Martindale building to the east and the RACH to the north-east, and comparable to the height of Courtney King House to the west. The overall reduction in the footprint of the building would also help to reduce the impact of the increased height on the East Cliff Conservation Area and the inclusion of the public plaza is considered to provide some enhancements to the setting of the Conservation Area, particularly when viewed from the northern end of Paston Place.

- 9.28. Whilst it is not considered that the quality of the design for the current Stage 2 proposal is as high as that of the previously approved scheme, the design is still considered to be consistent with that of the Louisa Martindale building and appropriate in relation to the other hospital buildings. As a result, the additional impact of the amended Stage 2 building on the Conservation Area, nearby heritage assets and views up Paston Place from Marnie Parade, is not considered to be significant.
- 9.29. The removal of the flint wall along the western boundary of the site facing Upper Abbey Road was already approved under BH2011/02886. The original flint wall will be replaced by a new flint wall which is proposed to be a modern interpretation of the old wall. It is considered that the replacement flint wall could feel relatively oppressive for users of Upper Abbey Road if it does not have any additional visual interest and features to break up the potential monotony of this wall. Further details regarding the finished elevational treatment of this wall will therefore be secured by planning condition to ensure that it provides some visual interest.
- 9.30. No objections to the proposal are raised by the Council's Heritage Officer and the proposal is considered to be compliant with policies DM26, DM27, DM28 and DM29 of the City Plan Part Two.

#### Stage 3 site

- 9.31. The layout of the Stage 3 Service Yard would not change significantly from the previously consented scheme. The current proposal would still retain an unloading area for delivery vehicles to the east and rear of the Louisa Martindale building, a brown roof over the proposed storage building on the east and south boundaries of the service yard, a line of trees along Bristol Gate, and planting at the entrance to the basement car park.
- 9.32. The main difference between the proposed scheme and the previously approved scheme is the inclusion of two 10m tall oxygen storage vessels (and associated access) which the applicant states are there to 'improve the resilience of the hospital's critical infrastructure.' Such vessels are location specific and although other less prominent locations were assessed for the vessels, the need for them to be in a gated and well-ventilated area free of overhead powerlines and sources of ignition restricted the amount of locations in which they could be situated. Whilst visible from Bristol Gate, the storage vessels are set back from the main street between the service yard storage building and the landscaped area to the south. The vessels, within the context

of the wider hospital, are not considered to appear incongruous and they are set away from the East Cliff Conservation Area thereby reducing their impact on nearby heritage assets.

- 9.33. Overall therefore the impact of the scheme on heritage assets in the area is considered acceptable.

**Impact on Amenity**

- 9.34. 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.
- 9.35. The residential properties nearest to the proposed Stage 2 Cancer Centre building are those at Courtney King House on the western side of Upper Abbey Road, and the dwellings on Upper Abbey Road just to the north of Courtney King House, 27 Upper Abbey Road being the closest of these properties.
- 9.36. A number of the flats on Courtney King House have east facing primary windows serving the main living spaces that would look directly towards the proposed Stage 2 building. Given that there is already an existing consent in place for the Stage 2 Cancer Centre, any consideration of amenity impacts must focus on the differences between the approved and current proposals rather than comparisons with the now demolished Barry Building. Whilst the proposed Stage 2 building is still 5 storeys in height, it is up to 6.5m higher than the approved Stage 2 building which has the potential for additional impacts on neighbouring residential properties in respect of outlook and sunlight/daylight. However, it should also be noted that the main bulk of the current proposal is approximately 3m further to the east than the previously approved building which partially helps to mitigate the impact of the height increase.
- 9.37. A Daylight, Sunlight and Overshadowing Assessment has been undertaken for the amended Stage 2 and 3 developments. The results of the assessment in respect of the Stage 2 development are summarised below.
- Daylight assessment: The Outpatients' building to the south of the site would be the most impacted. The proposal is considered to have a minor adverse effect on this building and a negligible impact on all other buildings surrounding the site.
  - Sunlight assessment: A negligible impact overall given 98.9% windows are generally unaffected. However, it should be noted that two windows are impacted (one to high degree and one to a medium degree) in Courtney King House to the west of the Stage 2 building. These windows are at ground and first floor respectively.
- 9.38. Given the overall impact of the proposed development on sunlight and daylight is not significant when assessed cumulatively, it is not considered that the proposed increase in the height of the Stage 2 Cancer Centre building would warrant a refusal of planning permission on this basis. The sunlight impact on

the two windows at Courtney King House is acknowledged and is regrettable but also needs to be weighed against the wider benefits of the development which are considered further in the conclusion of this report.

- 9.39. It should be noted that an independent review of the Daylight, Sunlight and Overshadowing Assessment was commissioned by the Council to ensure that the assessment was sufficiently robust. Whilst some clarifications and amendments to the report were necessary following this review, these issues have since been resolved and the assessment is considered robust in its conclusion that the development is acceptable.
- 9.40. Having regard to the impact on the outlook of the closest residential properties, the windows on the eastern elevation of Courtney King House are primary windows serving living spaces and face directly on to the proposed Stage 2 building. However, the distance from these windows to the main 5 storey element of the proposed Stage 2 building would be approximately 34m, across Upper Abbey Road, so whilst the proposed building would dominate views from these west facing windows, the distance would allow some relief from the main bulk of the Stage 2 building.
- 9.41. The closest property to the site is 27 Upper Abbey Road. This property has primary east facing windows serving a living room and bedroom at a distance of just under 30m from the main 5 storey element of the proposed Stage 2 building. However, unlike Courtney King House, the outlook onto the Stage 2 building is at a slightly oblique angle. Nevertheless, the occupier of No.27 would clearly be aware of the new building which would dominate views south-east from the property. Again, a distance of 30m provides some relief from the building, so whilst the outlook from this property would be impacted by the increased height of the proposed Stage 2 building, the impact is not considered to be unacceptable or significantly more harmful than the previously approved Stage 2 building.
- 9.42. A number of objectors have stated that if the new public plaza were located to the west of the Stage 2 development this would enable the proposed Stage 2 building to be moved further from Upper Abbey Road. Whilst this is acknowledged, it is the acceptability of the scheme itself that must be considered. Nonetheless, as set out above, the current proposals have shifted the main Stage 2 building away from Upper Abbey Road by around 3m so the creation of the public plaza has come about as a result of a reduction in the footprint of the building rather than any westward shift of the building. Additionally, the current location of the proposed public plaza would make it more usable for users of both the Stage 1 Louisa Martindale building and the Stage 2 Cancer Centre, and it also has the added benefit of breaking up the mass of hospital buildings fronting on to the north side of Eastern Road.
- 9.43. With regard to the proposed Stage 3 development, as previously set out, the main difference between the current and approved scheme is the inclusion of the 10m tall oxygen storage vessels. It is considered that these storage vessels are a sufficient distance from the residential properties to the west of the site to ensure no harmful impacts on outlook or light.

- 9.44. In conclusion, it is acknowledged that due to the impact on the sunlight available to two of the windows in Courtney King House there is some degree of conflict with policy DM20 of the City Plan Part Two. However, the overall planning balance and wider benefits of the proposed development are weighed up in the conclusion of this report.

### **Sustainable Transport**

- 9.45. City Plan Policy CP9 states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy 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.
- 9.46. 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.
- 9.47. The revised application proposes the removal of the two lower-level car parks beneath the Stage 2 Cancer Centre building that were approved as part of the 2012 consent (and subsequent 2022 consent). This will result in a reduction in the amount of parking for the 3Ts development from 390 parking spaces to 98 parking spaces. The main reason for this is due to a significant amount of staff parking (550 parking spaces) now taking place at Brighton Racecourse and Whitehawk Football Club with a shuttle bus running to and from the hospital. It should be noted that the lease at Brighton Racecourse expires in May 2026 with an extension to the lease planned, and the Trust are currently working to finalise a new 5-year lease at Whitehawk Football Club.
- 9.48. Across the wider RSCH site there will be a total of 476 parking spaces including:
- 98 spaces within the existing Louisa Martindale Building basement car park
  - 302 spaces within the existing Muti storey car park
  - 39 spaces at Sussex House
  - 29 spaces at St Marys Hall
  - 1 space within A&E
  - 7 spaces at the Outpatients Department
- 9.49. Due to the provision of the aforementioned 550 off-site parking spaces for staff, and the new basement car park at the Louisa Martindale building, an on-site occupancy survey has identified spare capacity at the RSCH of at least 40 parking spaces at times of peak occupancy. The Local Highway Authority are satisfied that car parking on the site is sufficient and therefore raise no objection to the proposed removal of the basement car parking spaces,

subject to the receipt of further information regarding the long-term availability of the off-site park and ride areas.

- 9.50. The amended 3Ts development will include a total of 403 cycle parking spaces. As part of the Stage 2 and Stage 3 development, 115 cycle parking spaces will be provided within the new public plaza and on Bristol Gate to the east of the service yard. The 115 spaces exceed the requirement of 62 short stay spaces that would be required for the Stage 2 and Stage 3 development under the parking standards set out in SPD14.
- 9.51. An updated Transport Assessment has been submitted with the planning application which assesses Trip Generation associated with the proposed development and concludes that 32 additional trip will take place in the morning and 31 additional trips in the afternoon when compared against the existing situation at the hospital. A Traffic Impact Assessment to assess the impact of the additional trips on the road network has been undertaken and this is concluded that the impact on the road network would be negligible. These conclusions are not disputed by the Local Highway Authority.
- 9.52. An updated Travel Plan has been submitted with the application to look at ways of promoting more sustainable forms of transport to and from the site such as car sharing, car clubs, use of park and ride, public transport discounts, public transport timetabling information, cycling discounts etc. In accordance with the requirements of the S106 agreement for the 2012 permission, within 3 months of the occupation of the Stage 2 building the Trust is required to submit for approval by the Council a final Full Travel Plan, so the overall Travel Plan for the site will be enhanced and refined in due course.
- 9.53. The current application also proposes an amended layby directly adjacent the Stage 2 Cancer Centre building to accommodate Patient Transport Services, taxis, and private vehicles between the hours of 7am to 11pm. The details of this layby will be secured by planning condition. Layby details originally submitted with the application were considered to be unacceptable to the Local Highway Authority due to the potential impact on the flow of pedestrians and traffic along Eastern Road.
- 9.54. Subject to appropriate conditions to secure an acceptable layby design and appropriate cycle parking, the proposal is considered to have an acceptable impact on the highway network and would accord with policies CP9 and DM33.

#### **Landscape and Ecology**

- 9.55. Policy DM37: Green Infrastructure and Nature Conservation of the City Plan Part Two states, amongst other things, that *'development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces.'*
- 9.56. The policy goes on to state that *'development should avoid adverse impacts and seek to conserve and enhance biodiversity and geodiversity features...'*

- 9.57. As set out earlier in this report, a significant amendment to the original planning permission proposed under this current application is the removal of the green roof from the Stage 2 building as a result of its redesign and instead the creation of a landscaped public plaza between the Stage 1 and Stage 2 buildings. Visually, the public plaza at ground level would have a more positive impact on the streetscene than a landscaped area at roof level due to its increased visibility, and it would help to break up the mass of hospital buildings on the north side of Eastern Road. This new landscaped area, in addition to trees and planting, would also have seating areas and paving.
- 9.58. The level 1 courtyard within the centre of the Stage 2 Cancer Centre building would be amended and enlarged and a greater area of landscaping would be provided on the western side of the Stage 2 building on the roof of the radiotherapy bunkers.
- 9.59. A green roof would also be provided on the link between the Stage 1 and Stage 2 buildings at the northern end of the proposed public plaza.
- 9.60. Overall, it is considered that the proposal would provide significant landscaping and ecology improvements when compared with the existing situation on site which incorporates very little biodiversity. Calculations submitted by the applicant indicate a Biodiversity Net Gain on site of 795%. The County Ecologist has raised no objection to the proposed landscaping amendments but conditions would be added to the planning permission to secure further landscaping details as well as an additional bat survey of the existing cancer centre on the eastern side of the site prior to its demolition.
- 9.61. The proposal is therefore considered to accord with policy DM37 of the City Plan part Two.

### **Sustainability**

- 9.62. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. The policy also requires all major and greenfield non-residential developments to achieve BREEAM Excellent standard.
- 9.63. The proposed Stage 2 Cancer Centre building would achieve BREEAM Excellent through the following sustainability measures:
- Photovoltaics on the roof top
  - Hot water from Water Source Heat Pumps (WSHP)
  - Green roofs and landscaped areas
  - Petrol Interceptors
  - Low flow sanitary fittings with monitoring and leak detection
- 9.64. Whilst the Stage 1 Louisa Martindale building was required to achieve BREEAM 'Excellent', this relied on the use of Combined Cooling Heat and Power (CCHP). The Sustainability Statement submitted with the current S73 application states that CCHP is no longer considered best practice as



advancements in technology and decarbonising the grid mean the electricity generated by CCHP no longer offsets the gas consumed. Therefore CCHP is no longer being used in the development. As a result, under the BREEAM 2011 the Louisa Martindale building would only achieve 'Very Good' rather than 'Excellent'. However, the decision to no longer use CCHP was agreed with the Council's Sustainability Officer during pre-application discussion.

- 9.65. Assessed collectively, the Louisa Martindale building and the Sussex Cancer Centre would score 'Very Good' as there are limited opportunities for the Sussex Cancer Centre building to uplift the Louisa Martindale building to 'Excellent' because of their relative sizes.
- 9.66. Whilst this is not ideal and conflicts with the requirements of Policy CP8 of the City Plan Part One, this situation is very much a result of the fact that the Louisa Martindale building was primarily constructed under the 2012 consent and sustainable technologies have progressed significantly since this time. Therefore, the proposed scheme is not considered unacceptable in this regard, particularly given that the Stage 2 building would achieve BREEAM 'Excellent'.

#### **Air Quality and Noise Pollution**

- 9.67. Policy DM40 of the City Plan Part 2 states, amongst other things, that *'Planning permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Proposals should seek to alleviate existing problems through their design.'*
- 9.68. It is not considered that the proposed amendments to the Stage 2 building and Stage 3 service yard area would result in any additional air quality impacts above and beyond the existing planning consents. The proposed reduction in 283 car parking spaces on the site, particularly for staff, and the continued use of the park and ride facilities at Brighton Racecourse (330 spaces) and Whitehawk FC (200 spaces), which were not in place at the time of the original planning consent in 2012, are likely to result in less cars driving directly to the hospital and within the Eastern Road Air Quality Management Area (AQMA).
- 9.69. The Air Quality Assessment included within the submitted ES Addendum confirms that the revised quantum of development associated with the Cancer Centre results in fewer air quality impacts and the building will be mechanically ventilated with sealed windows meaning future occupants will not be exposed to pollutant concentrations exceeding air quality objectives, particularly from traffic on Eastern Road. This conclusion is not disputed by the Local Planning Authority.
- 9.70. With regard to the noise impacts of the proposed development, it is not considered that the proposed amendments to the Stage 2 building and Stage 3 service yard area would notably worsen such impacts. A condition requiring acoustic reports for the Stage 2 and Stage 3 developments to be submitted within 3 months of occupation will be added to any planning consent. It will

need to be demonstrated through the acoustic reports that the noise associated with any plant and machinery will not exceed the background noise level when measured at the nearest existing noise sensitive premises.

- 9.71. The proposed amendments to conditions 3 (plant noise levels), 40 (acoustic survey stage 2) and 56 (acoustic survey Stage 3) proposed as part of this S73 application are primarily to ensure that the conditions reference the most recent British Standards for noise assessment rather than those in place when the 3Ts development was first approved in 2012, and are therefore considered acceptable.

#### **Sustainable Drainage and Water Quality**

- 9.72. Policy DM42 (Protecting the Water Environment) of the CPP2 states, amongst other things, that *'development proposals will not be permitted if they have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies.'* The policy goes on to state that *'planning permission may be refused if relevant site investigations and risk assessment have not been undertaken and if necessary mitigation measures are not provided.'*
- 9.73. Policy DM43 (Sustainable Drainage) of the City Plan Part Two states that 'The design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.'
- 9.74. The proposed drainage system for the Stage 1 Louisa Martindale building has already been approved and constructed. For the Stage 2 and Stage 3 developments, the proposed drainage system is for all water to be discharged via deep bore soakaways. Surface water is proposed to be captured through conventional gulleys and slot drains, with some drainage through permeable surfaces in landscaped areas and green roof areas. A SuDS assessment has been submitted as well as a maintenance and management plan.
- 9.75. Foul water would be discharged to the adjacent public sewer in Bristol Gate and combined sewer in Upper Abbey Road via new connections.
- 9.76. The Council's Sustainable Drainage section have confirmed that they have no objection to the proposed drainage strategy and the resultant proposed amendments to conditions 26, 42, 43 and 44 of BH2021/03056 to reflect the updated drainage strategy. It is therefore considered that the proposal is acceptable in this regard and would accord with Policy DM42 of the City Plan Part Two.

#### **Other Considerations**

##### Wind Microclimate

- 9.77. Concern has been raised in representations about the creation of 'wind tunnels' as a result of the development. A Wind Microclimate Assessment has

been undertaken as part of the application submission. The results show that the proposed Sussex Cancer Centre and Service Yard together have a relatively minimal impact on the wind conditions within and in close proximity to the site.

- 9.78. However, it should be noted that the Pedestrian Comfort Annual Assessment shows some areas within the new public plaza as having relatively windier conditions more suitable for standing rather than sitting. The majority of seating proposed in the public plaza area is outside of this more windy area but there is some seating proposed within it. However, given such windy conditions would not occur in summer months when the plaza is likely to be most used, it is not considered a significant issue to have some seating located within this area.
- 9.79. The Assessment also shows a minor increase in wind conditions in a few small areas of Upper Abbey Road. However, these affected parts of Upper Abbey Road would still be suitable for standing and walking which is appropriate for this road given there are no seating areas in these windier locations.
- 9.80. The Summer Comfort plots reveal that certain areas along the South Service Road, adjacent to the proposed Cancer Centre, experience wind conditions suitable for standing rather than sitting. However, as a result, the seating along the South Service Road has been relocated to zones that meet the sitting comfort criteria.
- 9.81. It should be noted that an independent review of the Wind Microclimate Assessment was commissioned by the Council to ensure that the assessment was sufficiently robust. Whilst some clarifications and amendments to the report were necessary following this review, these issues have since been resolved and the Wind Microclimate Assessment is considered robust, and the development acceptable in terms of wind microclimate impacts.

#### Sunlight and Daylight to Amenity Areas

- 9.82. The Daylight, Sunlight and Overshadowing Assessment also assessed the impact of the proposed Stage 2 and Stage 3 developments on the amenity areas within the proposed development. The BRE guidance recommends that 50% or more of these amenity spaces should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The majority do meet or exceed the BRE recommendation including the new public plaza between the Stage 1 and proposed Stage 2 building. The two spaces that fall under the BRE recommendations are the central courtyard within the proposed Stage 2 building which would receive no sunlight at all at 21<sup>st</sup> March and the Level 2 East Staff Terrace located towards the rear of the proposed public plaza which falls marginally below the 50% requirement. Given these areas will be used by staff and patients with other options for on-site amenity space, unlike a residential development, this is considered acceptable.

#### Sunlight and Daylight Impacts to Other Hospital Buildings

- 9.83. It should be noted that the Daylight, Sunlight and Overshadowing Assessment identified some impacts on other hospital buildings as follows:

- Minor adverse loss of daylight to the Outpatients' Building on the south side of Eastern Road as 8 out of the 13 windows assessed would be below the BRE recommendations. However, this impact is considered to be no worse than the previously approved Stage 2 Cancer Centre building.
  - A negligible impact on the daylight available to the Royal Alexander Children's Hospital as 19 out of 165 windows assessed on this building would be below the BRE recommendations.
- 9.84. Whilst the loss of some daylight to existing hospital buildings is regrettable, the impact is not considered to be significant or harmful enough to warrant a reason for refusal of planning permission. Additionally, this impact needs to be balanced against the significant health benefits of providing a new Cancer Centre in the City.

#### Deed of Variation

- 9.85. A deed of variation to the original S106 agreement for the 2012 planning consent would be required before any decision to approve the planning application can be issued. Such amendments to the original S106 would be minor to reflect some of the alterations to the proposal set out above, including the change from BREEAM 'Excellent' to BREEAM 'Very Good' in respect of the Louisa Martindale building.

## **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 development on the site is considered acceptable given the previous planning consents on the site for the 3Ts development and the fact that the redevelopment and enlargement of the RSCH is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part One. The significant enhancement of hospital facilities within the City would have significant health benefits for residents of the City and beyond.
- 10.3. Having regard to design and heritage considerations, whilst the proposed Stage 2 building would be more simplified and functional in appearance than the previously consented scheme, the design and materials would still be consistent with the adjacent Louisa Martindale building. The 6.5m increase in the height of the Stage 2 building, whilst notable, is not considered to have a significant impact on the streetscene or heritage assets and would still be significantly lower than adjacent hospital buildings such as the Louisa Martindale building and the Royal Alexander Children's Hospital.
- 10.4. Whilst it is acknowledged that there would be some impact on the outlook and light available to the nearest residential properties, the impact is not considered to be significantly greater than the previously approved Stage 2 building. Having regard to the overall planning balance, it is not considered that the relatively limited harm to sunlight available to neighbouring properties

would outweigh the significant health benefits, both City wide and beyond, of providing a new Cancer Centre.

- 10.5. The proposed removal of basement level parking beneath the Stage 2 Cancer Centre building is considered to be acceptable due to the significant amount of staff parking and associated park and ride facilities at Brighton Racecourse and Whitehawk Football Club. This has freed up a significant amount of space within the multi-storey car park and, with the addition of the new basement parking at the Stage 1 Louisa Martindale building, results in some free capacity at the Hospital to accommodate the additional parking required for the amended Stage 2 building.
- 10.6. The amended proposals are also considered to be acceptable having regard to landscape and ecology, sustainability, sustainable drainage, air quality, noise, and wind microclimate and would not have any notably increased impacts in respect of these issues than the existing consented scheme.
- 10.7. It is therefore considered that the proposed development complies with national and local planning policies and planning permission is therefore recommended subject to the conditions within the report and a Deed of Variation to the original S106 agreement.

## **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. However, due to the proposed use of the building as a hospital, the proposal would not be CIL liable.

## **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.

- 12.3. Step-free routes are provided to all key facilities within the proposal and passenger lift access is provided to all floors.

### **13. REASONS FOR REFUSAL IF S106 NOT COMPLETED**

- 13.1. A Deed of Variation to the S106 for planning permission BH2011/02886 is required for this planning application as the original S106 does not allow for any amendments to the original planning permission via a S73 application.
- 13.2. The Heads of Terms for the original S106 agreement were as follows:
- A Construction Phasing Plan.
  - A Construction Environmental Management Plan (CEMP).
  - Fourteen days prior written notice of commencement of development.
  - Contribution towards Sustainable Transport of £556,190.
  - Employment of a Travel Plan Co-Ordinator
  - Provision of Framework Travel Plan
  - Commitment to enter into a S278/S38 agreement to carry out off site works
    - to the highway
  - Agreement to fund the necessary Traffic Regulation Orders (TROs) for the highway works
  - Residents/Transport Liaison Group to be set up to include a list of invitees with transport interest.
  - Employment Strategy to be submitted aimed at employing a minimum 20% of local construction workers from within Brighton & Hove City boundary.
  - Artistic component to be provided in accordance with the Trust's Public Art Strategy at a cost of not less than £421,000 index linked to 2012 costs.
  - Off-site consolidation centre to be operational prior to commencement of demolition works on Stage 1.
  - Updated Wind Assessment and Mitigation Scheme.
  - Peregrine falcon relocation measures and exclusion works at Thomas Kemp Tower.
- 13.3. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver an employment strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to deliver a Travel Plan and other necessary measures to help reduce the impact of the development on the highway, enhance Sustainable Transport and reduce car use in accordance with policies CP9 of the Brighton and Hove City Plan Part One, DM33 and DM35 of the City Plan Part Two, and the City Council's Developer Contributions Technical Guidance.
  3. The proposal fails to ensure the adequate protection of neighbouring amenity, highway safety and managing waste throughout development

works in accordance with policies DM20, DM33, and DM40 of the Brighton & Hove City Plan Part Two.

4. The proposal fails to provide an artistic component in accordance with Policy CP12 of the City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposal fails to protect biodiversity in accordance with Policy CP10 of the Brighton & Hove City Plan Part One and DM37 of the City Plan Part Two.





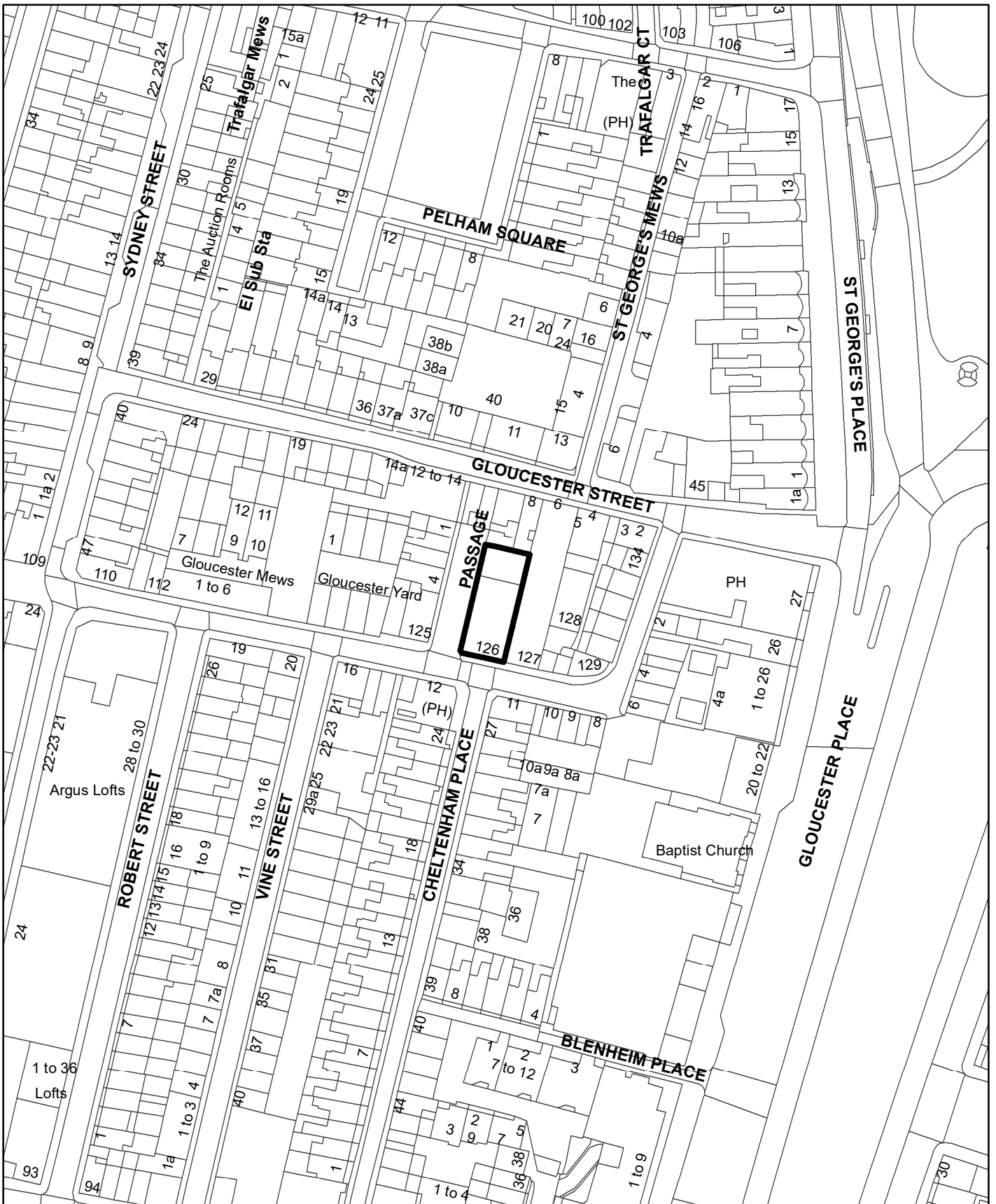
# **ITEM B**

**126 Gloucester Road  
BH2022/02689  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2022/02689 - 126 Gloucester Road



N



Scale: 1:1,250



<b>Subject:</b>	<b>BH2022/02689: 126 Gloucester Road - Amendment to Head of Terms</b> Change of use of part of ground floor and of first floor from commercial (E) to residential (C3) and raising of roof ridge height to facilitate second floor accommodation to form 5no residential units, incorporating a single dormer to the south elevation and a single rooflight to the west elevation, revised fenestration and associated alterations.		
<b>Date of Meeting:</b>	<b>7 May 2025</b>		
<b>Report of:</b>	<b>Jane Moseley, Planning Manager</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jane Moseley</b>	<b>Tel: 01273 292192</b>
	<b>Email:</b>	<b>jane.moseley@brighton-hove.gov.uk</b>	
<b>Ward affected:</b>	<b>St. Peter's and North Laine Ward</b>		

## 1. PURPOSE OF THE REPORT

- 1.1. The purpose of this report is to consider a request to vary one of the Heads of Terms proposed for a Section 106 legal agreement relating to a planning application for the following:  
*“Change of use of part of ground floor and of first floor from commercial (E) to residential (C3) and raising of roof ridge height to facilitate second floor accommodation to form 5no residential units, incorporating a single dormer to the south elevation and a single rooflight to the west elevation, revised fenestration and associated alterations.”*
- 1.2. Planning Committee agreed on 8 March 2023 that they were minded to grant planning permission, subject to conditions and a s106 agreement being secured on various Heads of Terms, including:
  - *“provision of a commuted sum of £254,300 in lieu of on-site provision of affordable housing.”*
- 1.3. The applicant is seeking to remove this Head of Term so that no commuted sum would be required.

## 2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to agree they are **MIND TO GRANT** the application, excluding the Head of Term requiring an affordable housing commuted sum, subject to the conditions set out in the original Officer Report and Heads of Term relating to a late stage viability review to confirm whether a commuted sum amount can be paid towards affordable housing, and a contribution towards Highway Works.

### 3. BACKGROUND INFORMATION

#### Relevant History

- 3.1. Members were minded to grant full planning permission at Planning Committee on 8 March 2023 for the following application:

*“BH2022/02689: Change of use of part of ground floor and of first floor from commercial (E) to residential (C3) and raising of roof ridge height to facilitate second floor accommodation to form 5no residential units, incorporating a single dormer to the south elevation and a single rooflight to the west elevation, revised fenestration and associated alterations.”*

- 3.2. As noted above, the granting of permission was subject to the completion of a S106 Agreement requiring a commuted sum of £254,300 in lieu of the provision of affordable housing on site.

### 4. PROPOSAL

- 4.1. The applicant has provided an updated Viability Appraisal to demonstrate that the scheme would not be viable with a £254,300 contribution towards affordable housing.
- 4.2. This follows an initial updated Viability Assessment of October 2023 which also concluded the scheme could not support an affordable housing contribution. However, this was disputed by the District Valuer Service (DVS) acting as the Council's viability consultancy which concluded in December 2023 that the scheme was viable with the full contribution. The applicant submitted a rebuttal in January 2024 which was again reviewed by DVS, concluding that a slightly reduced contribution of £231,840 could be supported.
- 4.3. The applicant again challenged this conclusion, requesting a review specifically of an itemised cost plan (April 2024), build cost and benchmark land value, and providing an updated appraisal (May 2024).

### 5. CONSULTATION

- 5.1. Viability Consultants: No objection. All of the information has again been reviewed by an independent viability consultancy working for the Council, this time Dixon Searle Partnership (DSP)). DSP have had input from quantity surveyors in relation to the scheme costs. Their review concludes that the approach taken to assessing viability is appropriate, and that the scheme will not support a contribution to affordable housing, based on current costs and values (January 2025).

- 5.2. Strategic Housing & Development: No objection. Does not actively support an application where the affordable housing contribution has been removed or reduced. However it is accepted that this is within the council's current policy position regarding viability of sites. The developer has agreed to a later stage viability reassessment which will assess if any funds can then be provided – which is welcomed.
- 5.3. Note that policy requires the developer to justify any reduced or alternative housing offer. The council's newly adopted Housing Strategy – Homes for Everyone - has the stated aim of increasing the supply of affordable homes in the city, based on the city's housing needs.
- 5.4. Council adopted planning policy CP20: Affordable Housing requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city as outlined below combined with the physical restraints of developing in the city. Commuted sums provided at smaller developments are used to expedite affordable homes elsewhere in the city through a range of initiatives.
- 5.5. Housing Need Brighton and Hove is a large city with a population of over 277,000 people (2021 census). Our Affordable Housing Brief reflects the very pressing need for affordable homes in the city. Currently the city's private sector housing is unaffordable for many local residents both in terms of renting and home ownership. In January 2025 there were 4606 people listed on the joint housing register seeking rented accommodation, and 1,934 households living in temporary or emergency accommodation.
- 5.6. Policy requires this development of five flats to provide a commuted sum equivalent to 20% of the homes (1 x 2 bed), as calculated through the council's published commuted sums information. This was originally agreed by the developer and granted planning approval but they have subsequently returned stating that this provision is no longer viable. The council's current policy outlines that where it can be shown that provision of affordable housing / affordable housing contribution is not viable within the development, the provision can be reduced or removed, subject to a later stage viability assessment. The developer's viability has been assessed by an independent assessor commissioned by the council and their position is agreed.

## 6. COMMENT

- 6.1. Policy CP20 of City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. However, it also notes that:

*"The targets set out above may be applied more flexibly where the council considers this to be justified. In assessing the appropriate level and type of affordable housing provision, consideration will be given to:*

- i. *local need in respect of the mix of dwelling types and sizes including the city's need to provide more family-sized affordable housing;*
  - ii. *the accessibility of the site to local services and facilities and public transport;*
  - iii. *the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);*
  - iv. *the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and*
  - v. *the need to achieve a successful housing development."*
- 6.2. In accordance with (iii), the costs of the development have been explored through a Viability Assessment which has been reviewed by the Council's specialists, as noted above.
- 6.3. At the time the application was determined (March 2023) a £243,500 contribution was sought for the five residential units to be provided, based on the standard methodology set out in the Developer Contributions Technical Guidance Paper and the updated Schedule of Commuted Sum payments. This was to be secured through a s106 legal agreement, as per a Head of Term on the Officer Report to Committee.
- 6.4. As set out above, information has been submitted by the applicant demonstrating that the scheme would not be viable with the £243,500 contribution. This conclusion has been confirmed by DSP who have reviewed the submitted information and disagreed with some of the calculations but conclude that the scheme could not viably support a contribution towards affordable housing. They had quantity surveyors review the costs, confirming that these were suitably estimated. The benchmark land value was considered to be appropriate, and while they noted there was scope for higher rents and lower consultant fees, this would not change their conclusion that a commuted sum would render the scheme unviable.
- 6.5. They also note that a late stage review should be undertaken:  
*"Of course, no viability report or assessment can accurately reflect costs and values until a scheme is built and sold – this is the nature of the viability process and the reason for local authorities needing to also consider later stage review mechanisms when developments fall short of policy provision. In this sense, the applicant and their agents are in a similar position to us in estimating positions at this stage – it is not an exact science by any means, and we find that opinions can vary. We note that the applicant has indicated they would be prepared to include a review mechanism in the S106 agreement to allow revisiting of the viability position to capture improvements in the market."*
- 6.6. This being the case, it is considered that the removal of the Head of Term requiring a commuted sum has been justified because with the affordable housing contribution, the scheme would not be viable. Given the need to deliver housing in the city and the increased weight that must be given to that, it is recommended that the removal of the Head of Term is agreed.



## **7. Background Documents**

Planning Application: **BH2022/02689**.



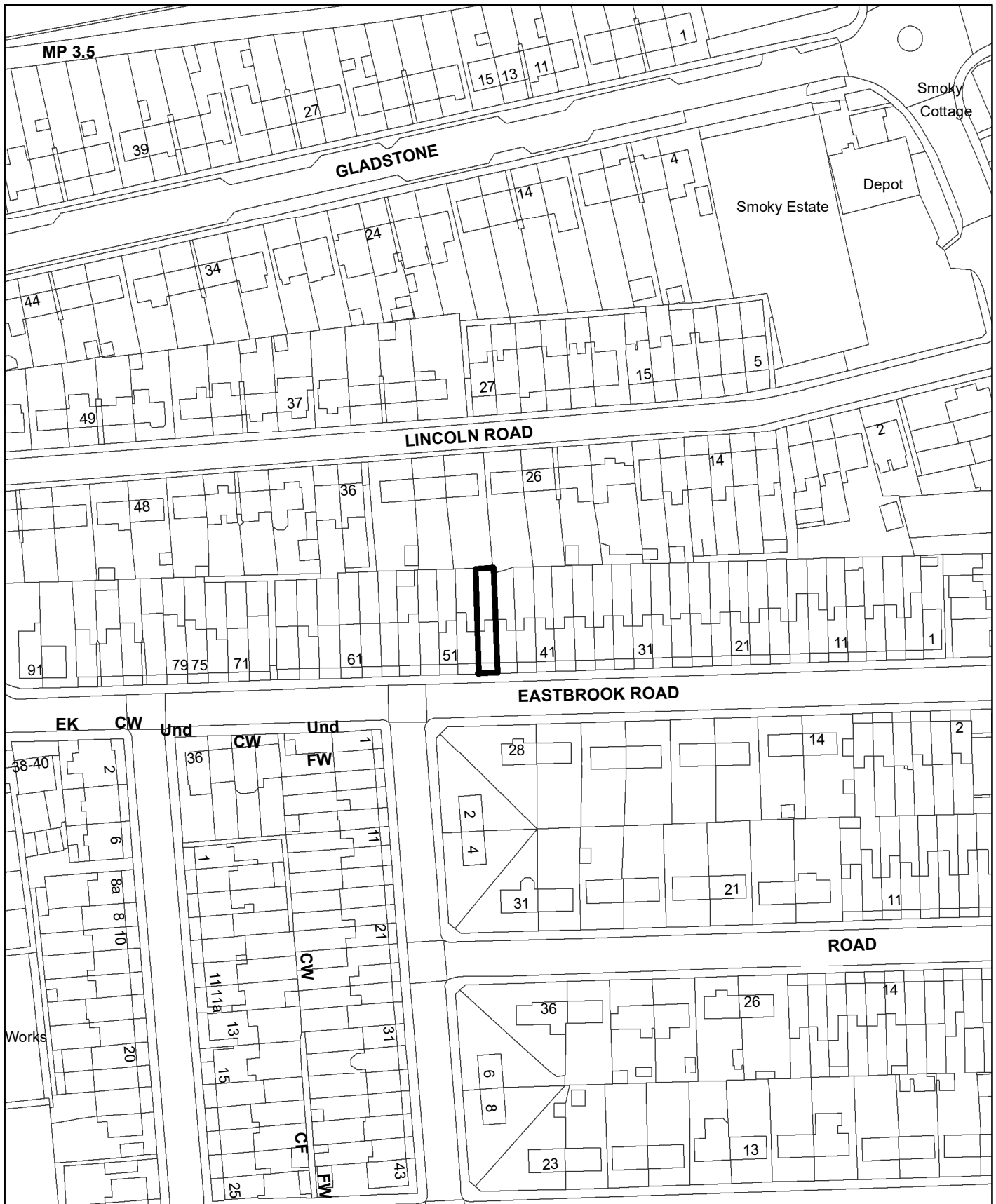
# **ITEM C**

**47 Eastbrook Road  
BH2025/00230  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2025 00230 - 47 Eastbrook Road



N



**Scale:** 1:1,250



<b><u>No:</u></b>	<b>BH2025/00230</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>47 Eastbrook Road Portslade BN41 1LN</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling house (C3) to 5no bedroom small house in multiple occupation for up to six persons (C4).</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	18.02.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	15.04.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	CAT Architectural Services 3A West View Seaford BN25 1JR		
<b><u>Applicant:</u></b>	WSE Property Services Ltd 36 Green Ridge Brighton BN1 5LL		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	03		27-Jan-25
Proposed Drawing	02	V1	22-Apr-25
Report/Statement		Design & Access	27-Jan-25

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

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

3. The HMO use hereby approved shall only be implemented in strict accordance with the proposed layout detailed on the proposed floor plans ref. 02 V1, received on 22<sup>nd</sup> April 2025 and shall be retained as such thereafter. The layout of the kitchen/dining space and living room shall be retained as communal space at all times and shall not be used as bedrooms. The ground floor bedroom is considered acceptable for double occupancy if required.

**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with Policies DM7 and DM20 of the 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 a two-storey terraced property with rear outrigger, located on the northern side of Eastbrook Road. It is not a listed building or within a conservation area. The site is covered by the city-wide Article 4 Direction restricting the permitted development right to change the use of a property from a dwellinghouse (planning use class C3) to a small House in Multiple Occupation (HMO) (planning use class C4). There are no other relevant designations.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/00872** - Erection of single storey rear extension and roof alterations incorporating rear/side dormer and front rooflights. Approved 12.08.2024
- 3.2. **BH2024/00555** - Change of use from single dwelling house (C3) to flexible use residential and 6no bedroom small house in multiple occupation (C3/C4) with associated works including single storey rear extension and loft conversion with rear dormers and front rooflights. Withdrawn

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the change of use of the property from a single dwellinghouse (C3) to 5no. bedroom small HMO for up to six persons (C4).



The description has been amended to reflect that the plans had been drawn incorrectly and that the rooflights in both the rear extension and the front roof slope were not changing from the arrangement approved under BH2024/00872. The drawings have also been corrected.

## **5. REPRESENTATIONS**

5.1. Representations have been received from 43 people, objecting to the proposed development for the following reasons:

- Overdevelopment
- Increased noise – walls of houses too thin so noise carries
- HMO for six persons plus partners or visitors is too much.
- Increased stress on sewerage network, local services, rubbish.
- Increase in anti-social behaviour.
- Poor design
- Loss of family home: detracts from family orientated character of street, community cohesion, occupants will be transient, will encourage other HMOs.
- Detrimental effect on property value.
- Increased comings and goings.
- Breaks house up into rooms.
- Lack of parking: Eastbrook Road has unrestricted parking this will make parking more difficult.
- Supportive comments outside of the local community should not be considered.
- Impacts on road safety, and increased traffic
- Extensions are jarring and out of character.
- Increased pollution
- Applicant has sought to encourage support for plans with takeaway vouchers, affecting transparency and integrity of the process.
- Developer doing this for profit.
- Previous application withdrawn – why allowed to apply again?

5.2. Representations have been received from 9 people supporting the proposed development for the following reasons:

- Good design
- Unfair to assume student/young tenants will cause issues.
- Not all HMO tenants have cars/public transport use is high.
- Developer properties are good and affordable, have soundproofing.
- HMOs are a good option for young working professionals, especially for those on one income. Good alternative to live-in landlord.
- If used as a family home, there is no guarantee it will be problem free.
- Good bedrooms and ensuites.
- Addresses a shortage of this type of housing.
- Accommodation is needed for the Performers' College.

5.3. There have been objections on this application detailing that the applicant has sought to encourage supportive comments on the application from their tenants

in other properties and offered a reward for doing so. Copies of the communication sent to their tenants have been reviewed and the applicant has confirmed that this happened. It is noted that the supportive comments are dated on or after the applicant's intervention in the public consultation.

- 5.4. In light of this **limited weight** is attributed to the supportive comments received for this application. However, the Local Planning Authority cannot completely disregard the comments or not acknowledge them within the consideration as it cannot be proved that all supportive comments were a result of the applicant's intervention.

## 6. CONSULTATIONS

Internal:

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** Comment  
For 6 people (as opposed to 5) there will need to be a second set of kitchen facilities (sink/dishwasher, cooker/microwave, plus sufficient cupboard storage in the kitchen.
- 6.3. The owner will need to apply to Private Sector Housing for an HMO Licence.
- 6.4. **Planning Policy:** No comments to make
- 6.5. **Sustainable Transport:** No objection  
The property does not have off-street parking as existing, there is unrestricted on-street parking outside the property. It is unlikely that overspill parking would increase parking stress in the area.
- 6.6. Cycle parking should be provided; however, the dwelling is terraced, and cycle parking would need to be in the rear garden, requiring cycles to be taken through the dwelling which is not convenient.
- 6.7. The proposed development is expected to result in an increase in trips generated by the site. However, this is not considered to be a reason to object.

## 7. MATERIAL CONSIDERATIONS

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

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; 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)

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

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

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

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

#### Supplementary Planning Documents:

SPD14	Parking Standards
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## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use to small HMO (C4) is acceptable in principle, the proposed standard of accommodation for future occupiers of the HMO, impacts on neighbouring amenity and transport matters.

### **Principle of the Change of Use:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.3. A mapping exercise has been undertaken (April 2025) which indicates that there are 51 dwellings within a 50m radius of the application property, none of which

have been identified as being in HMO use. The percentage of neighbouring dwellings in HMO use within the radius area is thus 0%.

- 9.4. Based on the existing percentage of neighbouring dwellings in HMO use, which is less than 10%, the change of use to a five-bedroom, six-person HMO (C4 use) would not conflict with the aims of policy CP21.
- 9.5. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:  
*"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*  
a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*  
b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*  
c) *the proposal does not lead to a continuous frontage of three or more HMOs;*  
d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*  
e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.6. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 1.56% so it has been met. In relation to criterion b), the area has been assessed, and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out below.
- 9.7. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use of the site to a small HMO is acceptable in principle.

**Standard of Accommodation:**

- 9.8. The proposed HMO would have a communal area within the rear ground floor containing a kitchen, dining and living space (27.8sqm). For the six occupants proposed, this exceeds the 4sqm per person minimum required by policy DM7. The overall shape and layout of space is considered to be appropriate for up to six occupiers.
- 9.9. There is also a WC on the ground floor which would be easily accessible to future occupiers using the communal space.
- 9.10. The first bedroom is on the ground floor and is ensuite. The bedroom area excluding the ensuite space is 12.8sqm which is large enough to be suitable for double occupancy.

- 9.11. On the first floor there are two ensuite bedrooms and a shower room. The front bedroom has a floor area of 9.4sqm (excluding ensuite) which is above the 7.5sqm required for a single occupancy bedroom. The rear bedroom, also single occupancy, has a floor area of 10sqm (excluding ensuite) so again is suitable for single occupancy.
- 9.12. At second floor there are two more bedrooms. The front bedroom has restricted head height and is the only room not to have an ensuite, though there is a communal shower room on the first floor which provides facilities for the occupier of this bedroom, especially given every other room has an ensuite. Although there is a relatively large floor area within this bedroom, 8.16sqm of this floor area would have a head height of above 1.5m from the finished floor level, exceeding the 7.5sqm required for single occupancy.
- 9.13. The rear bedroom would not have restricted height and has a floor area of 9.3sqm (excluding ensuite).
- 9.14. It is acknowledged that the rear bedrooms within the outrigger on the first and second floor are slightly narrower than the minimum width for a single occupancy bedroom. The minimum width for a single occupancy bedroom is 2.15m. The first-floor rear bedroom has a width of 1.99m for most of the bedroom floor area. The second-floor rear bedroom has a width of 1.94m for most of the bedroom floor area.
- 9.15. However, although the rooms are narrow the overall floor area is above the minimum required and the plans indicate a furnished layout for the rooms which demonstrates that the rooms would not be cramped.
- 9.16. Overall, it is considered that the proposed layout of the property as a small HMO (up to six persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.
- Impact on Amenity:**
- 9.17. Policy DM20 of 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.
- 9.18. The proposed change of use from a dwellinghouse to small HMO may create more comings and goings from the property and in a different pattern to the existing dwellinghouse use. However, it is not considered that the additional comings and goings from a small HMO use would amount to such substantial harm to neighbouring properties to warrant refusal of the application.
- 9.19. As noted above, the application site is not in an area which currently has more than 10% of dwellings within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not

enough to warrant refusal of the application on the grounds of potential amenity impact.

- 9.20. Furthermore, it is noted a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.21. The proposed alterations to the rooflights at the front to make them larger and to omit a rooflight on the rear would have a neutral impact on neighbour amenity.
- 9.22. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity. It is also noted that the proposal complies with policy DM20 of the City Plan Part Two.

**Sustainable Transport:**

- 9.23. The proposed development is expected to result in an increase in trips generated by the site. However, considering the small size of the development the trip generation impact would not be significant and would not therefore be grounds for objection under the National Planning Policy Framework.
- 9.24. The parking standards SPD14 requires a minimum of 3 cycle parking spaces. The applicant proposes a secured cycle shed in the rear garden. However, the site does not have direct access to the rear garden, so the future residents will push their bikes through the habitable space. This is considered inconvenient. Due to the constrained nature of the site, additional cycle parking cannot be delivered by condition in this instance.
- 9.25. In terms of car parking, it is acknowledged that there is no driveway or off-road parking associated with the property. The site has access to good public transport connection through the bus services serving Church Road and Fishersgate Railway Station is within walking distance of the property. Therefore, it is considered that future occupiers would not need to rely on a private vehicle to live here.
- 9.26. Several of the objections to the application cite parking as a concern for the application. In their response the Local Highway Authority has noted that the road has unrestricted parking and has noted that any overspill parking would not result in parking stress in the area. One of the objections has also noted that the parking situation for the small HMO may not be too dissimilar from the use as a dwelling as the family occupying the property have multiple cars, which can often be the case.
- 9.27. Accordingly, the proposal is considered to comply with policies CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two.

**Other Matters Including Those Raised in Representations:**

- 9.28. The impact on sewerage infrastructure has been raised as a concern but it is not considered the use would increase pressure on services over that of a family.
- 9.29. The nature of future residents has been raised as an issue such as their potential to be students. However, this is not a planning matter.
- 9.30. It is noted that the comments of Private Sector Housing state that a second set of kitchen facilities would be required for six-person occupation. The planning decision is not securing a specific kitchen provision but instead considered the overall provision of communal space, including the kitchen but also dining and living space. It is for the applicant to ensure they have all the correct permissions/licences etc. for the small HMO being considered here.

#### **Biodiversity Net Gain**

- 9.31. 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.

### **10. EQUALITIES**

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.
- 10.1. 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.





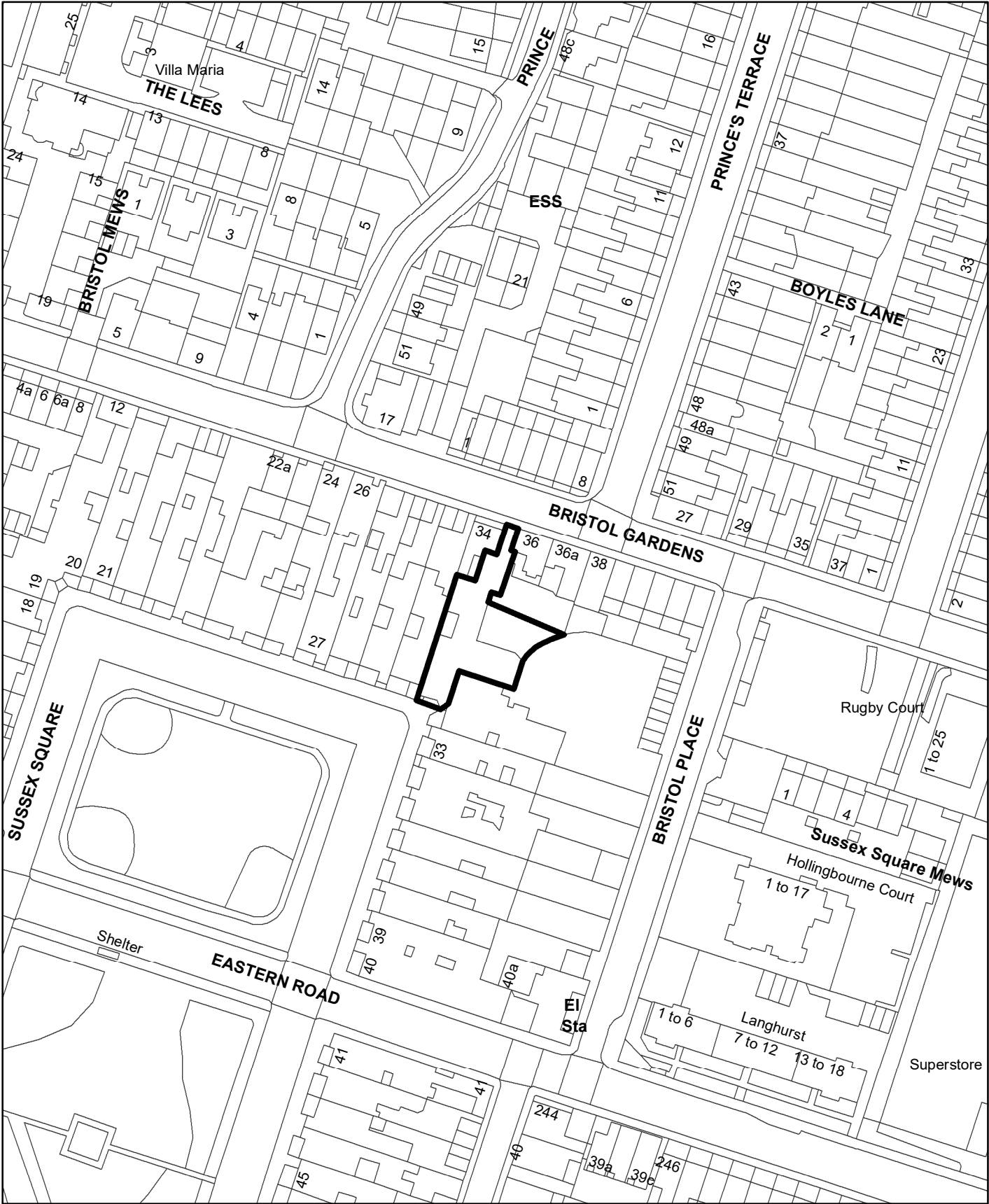
# **ITEM D**

**Flat 2  
Princes Mansions  
31 Sussex Square  
BH2024/03121  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



BH2024 03121 - 31 Sussex Square



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2024/03121</b>	<b><u>Ward:</u></b>	<b>Kemptown Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 2 Princes Mansions 31 Sussex Square Brighton BN2 5AB</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing conservatory glazed roof.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	29.01.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	26.03.2025
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	15.05.2025
Building Grade I			
<b><u>Agent:</u></b>	HTP Architecture LLP 35 Strawberry Hill Road Twickenham TW1 4PZ		
<b><u>Applicant:</u></b>	Mrs Susan Beech 35 Strawberry Hill Road Twickenham TW1 4PZ		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			29-Jan-25
Block Plan			24-Dec-24
Proposed Drawing	24001.PL01		24-Dec-24
Proposed Drawing	24001.PL02		24-Dec-24
Proposed Drawing	24001.PL03		28-Jan-25
Proposed Drawing	24001.PL04		28-Jan-25

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. Princes Mansions, 31 Sussex Square is a grade I listed building within the Kemp Town Conservation Area. It forms part of a formal architectural set piece, comprising Regency townhouses set around a square. As such, its front elevation is of particular significance. Regency features such as the classical façade and hung sash windows are also important survivals.
- 2.2. The building has been converted to flats, which has led to some loss of original plan form and features internally.
- 2.3. This application relates to Flat 2 on the ground floor of the building, specifically its conservatory, a later addition to the house, located within the rear garden to the east.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/03122** - Replacement of existing conservatory glazed roof. Concurrent Listed Building Consent application
- 3.2. **BH2024/00449** - Certificate of lawfulness for existing use of Ground Floor Flat 2, 31 Sussex Square to include the side extension containing the conservatory and ensuite bathroom. Approved 08.05.2024
- 3.3. **BH2003/02489/LB** - Internal renovation work. Approved 14.10.2003

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for replacement of the existing conservatory glazed roof.

- 4.2. As existing the conservatory roof is glazed with hardwood rafters internally. Externally it has an aluminium finish to the vertical struts and rooflight frames. The entire extent of the roof is glazed with clear glazing.
- 4.3. The proposed new roof would have a lead covering to the end panel on each end of the roof. There would also be changes externally to the sides where the lead covering would extend down either end, replacing hanging tiles at one end and rendered finish at the other. The roof structure would internally retain the hardwood rafters and externally retain a powder coated aluminium finish with the new roof structure. The aluminium caps to the glazing bar of the roof structure would have a heritage profile with the new roof. There would also be new guttering with a traditional 'ogee' profile in metal.

## 5. REPRESENTATIONS

- 5.1. Representations have been received from 16 people, objecting to the proposed development for the following reasons:
- Roof covering is an eyesore and is not in keeping with the listed building.
  - New glass windows would cause a loss of privacy and cause light pollution to neighbours.
  - Concern about flat being used as a 'party house'.
  - Potential safety impacts for asbestos.
  - Presence of the structure and age of the structure.
  - Noise from building works.
  - Adverse impact on conservation area
  - Land on which the lean-to structure sits is not within Flat 2's demise.
  - Fire safety concerns.
  - Compromises lower level of the building.
  - Restriction of view
  - Inappropriate height of the development
  - Overdevelopment
  - Lack of planning permission for existing structure.
  - Weight from a lead roof not sufficiently considered.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection

No reason in principle to object to these works. Further drawings initially sought but updated submission provided reassurance that proposal would not affect the historic parts of the building. No conditions sought.

### External:

- 6.2. **Historic England** No Comment

Historic England have not made a comment on this application but directed that advice should be sought from our specialist conservation advisor (this is detailed above).

## **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; 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)

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

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

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

DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Listed Buildings.

#### Supplementary Planning Documents:

SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

#### Other Documents

Kemp Town Conservation Area Character Statement

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to whether the proposed changes to the roof covering are considered acceptable for the



Grade I listed building and Kemp Town Conservation Area and any impacts on neighbour amenity.

- 9.2. A site visit was conducted by the Case Officer to assess the existing conservatory roof. The visit looked at the roof from within the garden of Flat 2, Princes Mansions, 31 Sussex Square.

**Principle of the Development:**

- 9.3. In 2024, a Lawful Development Certificate was sought regarding the use of the internal space within the conservatory as part of the residential use of Flat 2, Princes Mansions, 31 Sussex Square. Because listed building consent was granted in 2003 for works to the property, showing the conservatory in situ, it was confirmed as being lawfully part of the dwelling at Flat 2. In principle, therefore, the conservatory is a lawful structure so works to it can be lawful if planning permission is granted.

**Design and Appearance, including Impact on Heritage Features:**

- 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 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 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".
- 9.6. The Heritage Officer has reviewed the proposals and concluded that there is no 'in principle objection' to the alterations to the external appearance. Further plans were requested to demonstrate that the proposal was not affecting the historic part of the building. Following receipt of the additional plans no further concerns were raised. The conservatory is to the rear so the changes would have no impact on the public realm.
- 9.7. Overall, the proposed changes are considered appropriate for the Grade I listed building and Kemp Town Conservation Area and would be in accordance with policies DM26, DM27 and DM29 of the City Plan Part Two and policy CP15 of the City Plan Part One.

**Impact on Amenity:**

- 9.8. The proposal would lead to a reduction in rooflights overall so would have less of an impact from a privacy and light overspill perspective. It was noted at the site visit that the existing windows appeared to be openable.
- 9.9. Overall, the proposed changes to the roof covering and reduction of rooflight openings would reduce amenity impacts on the neighbour at Flat 3, 32 Sussex Square.

**Other Matters Including Those Raised in Representations:**

- 9.10. Several representations mention the presence of asbestos within the building. This is not a planning matter as it is dealt with through the separate Control of Asbestos Regulations 2012 overseen by the Health and Safety Executive.
- 9.11. Other representations cite concerns about fire risk and noise from the proposed construction works. These are not matters which are considered as part of the planning application.

**Biodiversity Net Gain**

- 9.12. 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.

**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.

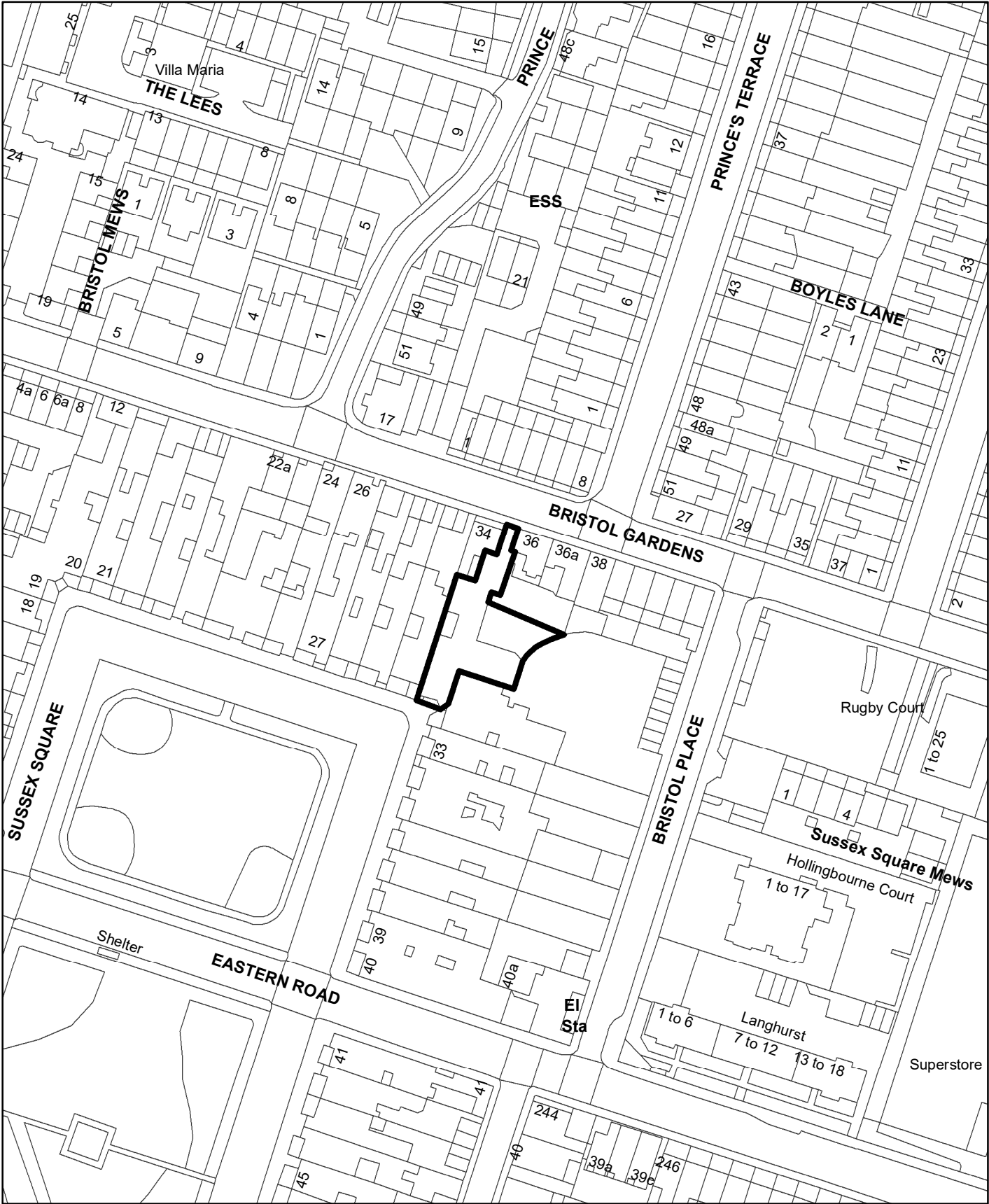
# **ITEM E**

**Flat 2  
Princes Mansions  
31 Sussex Square  
BH2024/03122  
Listed Building Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



BH2024 03122 - 31 Sussex Square



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2024/03122</b>	<b><u>Ward:</u></b>	<b>Kempton Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Flat 2 Princes Mansions 31 Sussex Square Brighton BN2 5AB</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing conservatory glazed roof.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	29.01.2025
<b><u>Con Area:</u></b>	Kemp Town	<b><u>Expiry Date:</u></b>	26.03.2025
<b><u>Listed Building Grade:</u></b>	Listed Building Grade I	<b><u>EOT:</u></b>	15.05.2025
<b><u>Agent:</u></b>	HTP Architecture LLP 35 Strawberry Hill Road Twickenham TW1 4PZ		
<b><u>Applicant:</u></b>	Mrs Susan Beech 35 Strawberry Hill Road Twickenham TW1 4PZ		

## 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			29-Jan-25
Block Plan			24-Dec-24
Proposed Drawing	24001.PL01		24-Dec-24
Proposed Drawing	24001.PL02		24-Dec-24
Proposed Drawing	24001.PL03		28-Jan-25
Proposed Drawing	24001.PL04		28-Jan-25

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. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

4. The works hereby permitted shall not be commenced until a method statement for the works of repairs consisting of the renewal of water damaged internal plasterboard wall and linings 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 Two, 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. This approval is based on the details/drawings submitted. The public comments have raised the presence of asbestos within the building. If this is the case and additional internal works are required, then this may require further listed building consent. The applicant is advised to check this prior to any works being undertaken.

## **2. SITE LOCATION**

- 2.1. Princes Mansions, 31 Sussex Square is a grade I listed building within the Kemp Town Conservation Area. It forms part of a formal architectural set piece, comprising Regency townhouses set around a Square. As such, its front elevation is of particular significance. Regency features such as the classical façade and hung sash windows are also important survivals. The building has been converted to flats, which has led to some loss of original plan form and features. The conservatory of Flat 2 is a later addition to the east of the house.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/03121** - Replacement of existing conservatory glazed roof. Concurrent Full Planning application
- 3.2. **BH2024/00449** - Certificate of lawfulness for existing use of Ground Floor Flat 2, 31 Sussex Square to include the side extension containing the conservatory and ensuite bathroom. Approved 08.05.2024
- 3.3. **BH2003/02489/LB** - Internal renovation work. Approved 14.10.2003



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

- 4.1. Listed Building Consent is sought to replace the existing conservatory glazed roof.
- 4.2. The proposed new roof would have a lead covering to the end panel on each end of the roof. There would also be changes externally to the sides where the lead covering would extend down either end, replacing hanging tiles at one end and rendered finish at the other. The roof structure would internally retain the hardwood rafters and externally retain a powder coated aluminium finish with the new roof structure. The aluminium caps to the gazing bar of the roof structure would have a heritage profile with the new roof. There would also be new guttering with a traditional 'ogee' profile in metal.

#### **5. REPRESENTATIONS**

- 5.1. Representations have been received from 15 people, objecting to/supporting the proposed development for the following reasons:
- Roof covering is an eyesore and is not in keeping with the listed building.
  - New glass windows would cause a loss of privacy and cause light pollution to neighbours.
  - Concern about flat being used as a 'party house'.
  - Potential safety impacts for asbestos.
  - Presence of the structure and age of the structure.
  - Noise from building works.
  - Adverse impact on conservation area
  - Land on which the lean-to structure sits is not within Flat 2's demise.
  - Fire safety concerns.
  - Compromises lower level of the building.
  - Restriction of view
  - Inappropriate height of the development
  - Overdevelopment
  - Lack of planning permission for existing structure.
  - Weight from a lead roof not sufficiently considered
  - It's on stilts
  - Ownership/leasehold issues

#### **6. CONSULTATIONS**

##### Internal:

- 6.1. **Heritage:** No objection  
No reason in principle to object to these works. Further drawings were sought as the Heritage Officer considered that some of the originally submitted drawings were of poor quality. The addition drawings provided reassurance that the heritage officer sought to confirm that the proposal does not affect the historic parts of the building. No conditions have been suggested.

External:

6.2. **Historic England** No Comment

Historic England have not made a comment on this application but directed that advice should be sought from our specialist conservation advisor (this is detailed above).

## 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
DM29	The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09	Architectural Features
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Other Documents

Kemp Town Conservation Area Character Statement

## 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. Internally the heritage statement also sets out that the internal plasterboard and linings will be renewed. A condition is attached to secure further details of these works.
- 9.4. The Heritage Officer has reviewed the proposals and concluded that there is no 'in principle objection' to the alterations to the external appearance. Further plans were requested to demonstrate that the proposal was not affecting the historic part of the building. Following receipt of the additional plans no further concerns were raised. The conservatory is to the rear so the changes would have no impact on the public realm.
- 9.5. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade I listed building or wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One, DM26 and DM27 of the Brighton & Hove City Plan Part Two.

**Other Matters raised in representations:**

- 9.6. The application has attracted a lot of representations, and a number of the comments submitted here have also been duplicated on the corresponding application for planning permission (BH2024/03121). This listed building consent can only consider the impacts on the listed building (other matters such as impacts on neighbouring amenity cannot be considered here but would be considered for BH2024/03121).
- 9.7. It is also noted that this application includes concerns that there are land ownership issues and discusses leases and lease extensions, these are not matters which are part of the planning process.

## **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.

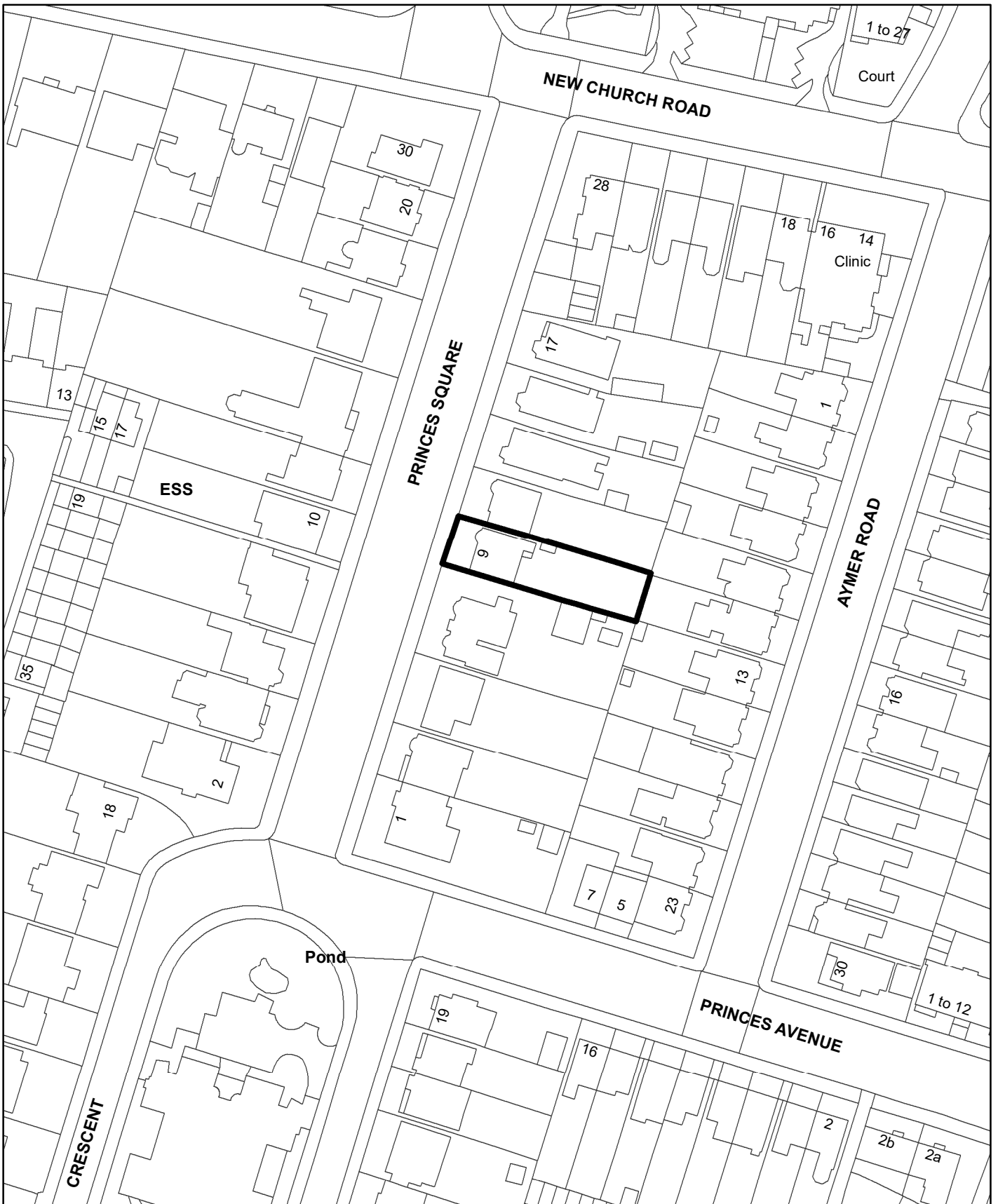
# **ITEM F**

**9 Princes Square  
BH2024/02834  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2024 02834 - 9 Princes Square



N



**Scale:** 1:1,250





<b><u>No:</u></b>	<b>BH2024/02834</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>9 Princes Square Hove BN3 4GE</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension with rooflights to replace existing rear extension and bay window, roof replacement and alterations to include hipped roof and rear dormer extensions, construction of basement, revised fenestration, alterations to boundary wall to include enlargement of vehicle access, landscaping alterations and any associated works.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 01273 291380	<b><u>Valid Date:</u></b>	02.12.2024
<b><u>Con Area:</u></b>	Pembroke and Princes	<b><u>Expiry Date:</u></b>	27.01.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	26.03.2025
<b><u>Agent:</u></b>	MortonScarr Level 5 Platf9rm 44 North Road Brighton BN1 1YR		
<b><u>Applicant:</u></b>	Steven & Stephanie Chard 9 Princes Square Hove BN3 4GE		

## 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	2333(10)000		18-Nov-24
Proposed Drawing	2333(11)000		18-Nov-24
Proposed Drawing	2333(21)000		18-Nov-24
Proposed Drawing	2333(21)001	A	12-Feb-25
Proposed Drawing	2333(21)002	A	12-Feb-25
Proposed Drawing	2333(21)003	A	12-Feb-25
Proposed Drawing	2333(21)100		18-Nov-24
Proposed Drawing	2333(31)000	A	12-Feb-25
Proposed Drawing	2333(31)001	A	12-Feb-25
Proposed Drawing	2333(31)002		18-Nov-24
Proposed Drawing	2333(41)000	A	12-Feb-25
Proposed Drawing	2333(50)000		18-Nov-24

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

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

3. The ground floor window, in the southern elevation of the development hereby permitted, shall be obscure glazed, and non-opening, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
  
4. Prior to first use of the rear extension hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
  
5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
  
6. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples/details of the proposed window, door and balcony treatments
  - c) samples/details of all other materials to be used externally

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

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

7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. Other than demolition works and works to trees, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.
10. Prior to first use of the rear extension hereby permitted, the front gates shown on the approved plans shall have been painted black and thereafter be retained as such.  
**Reason:** In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 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. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative

designs of suitable swift boxes should be provided in their place where appropriate.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
4. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 3

### **Biodiversity Net Gain**

- 1.2. 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.
- 1.3. 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.
- 1.4. 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 detached property located on the eastern side of Princes Square. The property comprises 2 storeys with rooms in the roof, including a side dormer. It currently has a two storey flat roof extension over the front garage and a small ground floor rear extension. The roof design is hipped, excepting the flat roof extension over the garage.
- 2.2. This single dwellinghouse is located in the Pembroke and Princes Conservation Area and is subject to an Article 4 Direction, which prevents a number of minor developments to dwellings, which previously had permitted development rights, such as roof alterations, variations to windows, and new outbuildings and porches.

## **3. STATEMENT OF SIGNIFICANCE**

- 3.1. The buildings in Princes Square are mainly inter-war. The red brick houses have steep, red tiled hipped roofs with bay window features. The contrast of hard red brick with the white painted rendered elements and white finished exterior timber and the 'overwhelming predominance' of plain red tiles are characteristic of the

area and contribute to the character and appearance of the conservation area. Nos 9 and 11 present to the street as a pair.

- 3.2. No.9 makes a positive contribution to the character and appearance of the Conservation Area, and the uniformity with No.11 is relevant to the contribution both buildings make. Properties on Princes Square have undergone various changes particularly at roof level with solar panels and rear additions commonplace. Nonetheless, in townscape terms the properties present to the street much as they would have when they were built as detached dwellings set back from the road. The level of detailing and overall form of the buildings is relatively intact.
- 3.3. The original leaded lights (or decent replacements), hanging tiles and brick detailing of No.9 mirror that of No. 11. This degree of intactness contributes to the character and appearance of the conservation area, representative of the rich the palette of materials common to Princes Square. There is an oriel window fronting what appears to be an addition above the garage (No 11 does not have such an addition and has also lost the pitch to the double height front bay).

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

- 4.1. **BH2006/03969:** Single storey rear extension rear extension and associated alterations to rear elevation. Approved 15/01/2007
- 4.2. **BH1999/01736/FP:** Alteration of existing flat roof to form pitched roof and new boundary garden wall. Approved 08/09/1999

#### **5. RELEVANT HISTORY AT OTHER SITES**

##### 10 Princes Square

- 5.1. **BH2024/00837:** Proposed Loft conversion with front rooflight, rear and side extensions. Approved 17/06/2024

##### 16 Princes Square

- 5.2. **BH2022/02493:** Demolition of rear and erection of part two-storey and part one-storey rear extension, roof alterations incorporating roof extension, solar panels, rooflights and re-installation of 2no chimneys. Reconfiguration of front elevation to include installation of gable frontages to existing bay windows, first floor balcony, demolition of front porch and erection of storm porch, replacement of front door with double door and replacement of garage door. Alterations to boundary wall and replacement of front gate, creation of rear terrace with swimming pool with revised fenestration, associated landscaping and alterations. Approved 21/10/2022

#### **6. APPLICATION DESCRIPTION**

- 6.1. Planning permission is sought for the erection of a single storey rear extension with rooflights, to replace the existing rear extension and bay window. The dwelling's roof would be altered to include a complete hipped roof to replace the flat roofed element, and install rear dormer extensions, with solar panels to some areas. Construction of a basement level is proposed, below the existing ground floor level. Revised fenestration to all openings with new window openings to the rear and southern side is proposed. Alterations to the front boundary wall are included to allow the enlargement of vehicle access and gates. Various landscaping alterations and associated works are proposed, with the provision of an air source heat pump to the side of the new rear extension.
- 6.2. The scheme has been revised since submission, due to Case Officer and Heritage Officer concerns, regarding the appearance of the proposed development to the rear, and its impacts on the host property and Conservation Area. The revised plans reinstate a first-floor rear bay window, and reduce the size of the proposed rear dormer, removing the Juliette balcony and altering the colour of the zinc cladding (red clay to grey).

## **7. REPRESENTATIONS**

### ORIGINAL SCHEME:

- 7.1. **Objections** from **fifteen (15)** individuals have been received raising the following issues:
- Impact of Additional Traffic
  - Adversely affects Conservation Area
  - Poor design
  - Adverse effect on wildlife
  - Loss of mature trees
  - Detrimental effect on property value
  - Inappropriate height
  - Noise
  - Construction noise and dust
  - Overdevelopment
  - Residential Amenity – overlooking, overshadowing
  - Restriction of view
  - Too close to the boundary
  - Basement will cause instability/steam venting
- 7.2. **Support** from **seven (7)** individuals have been received raising the following issues:
- In keeping with Conservation area
  - Respects and highlights the Heritage assets
  - Good design
  - Sensitive to neighbour's amenity/no adverse impacts
  - Basement good use of space
  - Similar designs approved and built with no objections from neighbours

### REVISED SCHEME:

- 7.3. **Objections** from **eight (8)** individuals have been received raising the following issues:
- Basement will cause instability/steam venting
  - Rear extension too big still
  - Dormer still too big, will increase overlooking
  - Harm to conservation area
  - Design still harmful
- 7.4. Full details of representations received can be found online on the planning register.

## 8. CONSULTATIONS

### Internal:

8.1. **Arboricultural Officer:**

No objection (verbal comments)

Trees to be removed (palms) not worthy of TPO, so with some form of mitigation landscaping with something bee friendly, e.g. Strawberry Tree (arbutus unedo), no objection.

8.2. **Heritage Officer:**

No objection (revised scheme - retain rear first floor bay, revised reduced dormer) subject to materials condition.

- 8.3. The proposed rear dormer has been revised, reduced in height and width, to sit beneath the eaves and in the centre of the roof of a more traditional design in lead.

- 8.4. The loss of the original full height bay is regrettable, however on balance given the changes and the assessment justification set out in the Heritage Statement, the proposals are now considered to be acceptable subject to conditions, the character and appearance of the Conservation Area would be preserved.

Objection (First response - original scheme)

- 8.5. No objection to replacement of roof and new pitch area, subject to matching tiles. Object to removal of rear double height bay window. Alternate designs with retention need exploring. Rear dormer size and material do not appear subordinate. Alternate design needed. No objection to other elements proposed.

8.6. **Sustainable Drainage Officer:**

No objection subject to condition

Not at significant risk of flooding and no flooding reported close to property.

- 8.7. No drainage information submitted, so a foul and surface water drainage strategy is required to be provided by condition, to ensure sustainable drainage options are implemented.

8.8. **Transport Officer:**

No objection (verbal comments)

- External:
- 8.9. **Southern Water:**  
No objection  
Development would use existing connections and have similar flow rates. No objection to development.

## **9. MATERIAL CONSIDERATIONS**

- 9.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 9.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## **10. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban Design
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
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development



SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

#### Other Documents

Pembroke and Princes Conservation Area Character Statement

## **11. CONSIDERATIONS & ASSESSMENT**

11.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extension and alterations and whether they would have a detrimental impact on the host property, street scene or wider Conservation Area, and the impact on neighbouring amenity.

11.2. An officer site visit has been undertaken, and the impacts of the proposal can also be clearly assessed from the plans, photographs and from recently taken aerial imagery of the site.

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

11.3. As already noted, the site lies within the Pembroke and Princes Conservation Area.

11.4. 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. 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".

11.5. Turning to the main elements of the development in turn:

#### Roof alterations

11.6. The development would remove the partial flat roof area of the current roof and replace with a hipped design, which matches the original roof design that the dwelling exhibits, with roof tiles to match the existing. This is considered to bring an improvement to the overall appearance of the dwelling in the street scene, with removal of the existing flat roof over the front extension, and the existing side dormer, both of which are considered incongruous in appearance, causing harm to the host property and surrounding Conservation Area.

11.7. The proposed rear dormer has been reduced in size from the original plans and now has a design which is well located, which follows the general guidance of SPD12 and is considered subordinate to the roof in which it would sit and no longer dominates. The previously-proposed Juliette balcony has now been removed, and a grey zinc finish is proposed which reflects lead clad designs for dormers and is considered to be of a more appropriate appearance in a Conservation Area. The effects on the host property and Conservation Area are considered acceptable, due to the more appropriate sizing and materials, and

that the dormer is located to the rear, and therefore the impacts and visibility in the public realm are considerably reduced.

#### Rear extension

- 11.8. The proposed single storey ground floor rear extension would be the full width of the property and extend for between circa 3m and 8m from the rear elevation wall due to a stepped design which creates an L-shaped extension. The works would involve demolishing the existing rear extension and existing two storey bay window. The bay window would then be reinstated in the same form at first floor level, over the new ground floor extension. The extension would be L-shaped with the shorter side to the south, built on the shared boundary with No.7 Princes Square. The longer side would be to the north, set back from the shared boundary with No.11 Princes Square by approximately 1m, to allow the side access to continue for No.9 to the rear. The gap in the "L" would have a terrace area and a retractable roof over.
- 11.9. The materials proposed are a mixture of white aluminium, white brick and pale stone. A condition would be imposed if the application is approved, to ensure the final appearance of these and other materials proposed below is considered in detail to ensure they are of a sufficient quality and final complimentary appearance for the host property and wider Conservation Area.
- 11.10. The design is considered suitable and of a high quality, which would not harm the appearance of the host property, with the reinstated bay window at first floor meaning legibility of the original building is retained. The effects on the Conservation Area are considered acceptable, due to the single storey design of the extension and finish materials (subject to condition), and being located to the rear, therefore the impacts and visibility in the public realm are considerably reduced.

#### Fenestration, Garage and Porch

- 11.11. The scheme would result in the loss of windows that are similar to those in the adjacent property, no 13, but it is noted that they are already not an identical matching pair. The design of the replacement windows is considered acceptable in principle, with timber material and suitable frames, and the removal of the oriel window frame on the front elevation at first floor, which was not original, and replacement with a casement design causing no harm. The exact details would be secured by a materials condition to ensure that they complement the host property. The revised porch fenestration, and door are acceptable in appearance and would replace a UPVC design. The revised garage door would remain a timber design, but now a sectional upward opening door, rather than barn door style. This would cause no harm to the appearance of the host property.

#### Landscaping and Front Boundary

- 11.12. The proposed extension would involve the removal of the existing shrubs and trees to the rear elevation. Arboricultural Officers have confirmed the trees to be removed (palms) are not worthy of a Tree Preservation Order, and subject to suitable mitigation planting, their loss is acceptable. Full details of all the soft and hard landscaping have not been supplied, so this mitigation planting would form part of a landscaping condition.

- 11.13. The revised walls and gates to the front elevation are considered acceptable and would bring no harm to the host property or Conservation Area, as they match the existing walls, with an appropriate black gate design.

Solar Panels

- 11.14. The proposed solar panels are located on the southern side of the enlarged roof and on the roof of the proposed dormer. Ideally no panels would be visible in the public realm, but the southern roof panels are located in this position to maximise effectiveness of the array in relation to the sun. On this basis the panels are considered sited, as far as practicable, to minimise effects on the appearance of the host property or amenity of the area including the wider Conservation Area so would likely be allowed under permitted development rights.
- 11.15. Heritage Officers have fully assessed the amended plans, and they are satisfied that no harm is caused to the existing heritage assets from the proposed scheme. Taking this into account it is considered that the design and scale of the proposed development overall would not adversely harm the historic appearance or character of the host property, Princes Square street scene or the wider Conservation Area, and would bring some improvement to the front elevation, in accordance with policies DM18, DM21 and DM26 of the Brighton and Hove City Plan Part Two and policy CP12 and CP15 of the Brighton and Hove City Plan Part One.

**Impact on Neighbouring Amenity**

- 11.16. 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.
- 11.17. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy, and subject to compliance with recommended conditions, no significant harm as a result of the proposed development has been identified.
- 11.18. The overall increase in the roof volume would cause no harm to neighbouring amenity, through overshadowing beyond the existing situation. The alterations would add some additional overall bulk to the host building, particularly at ground floor, however the increase would not appreciably impact upon neighbouring properties over and above the existing situation, as the proposed ground floor extension is only single storey and set back from the boundary to the north (No.11 Princes Square), while more limited in depth and adjoining a driveway to the south (No.7 Princes Square).
- 11.19. The alterations and revised fenestration to the rear elevations are not considered to create any harmful overlooking as a result of the proposal and due to the single storey nature, it is furthermore not considered to give rise to any appreciable impacts with regards to being overbearing or causing loss of outlook. The new dormer would increase the number of elevated windows but considering the amount of first floor windows in the existing property and the

existing views achievable from these windows, and those of surrounding properties, a high degree of mutual overlooking already exists, and as such the proposed dormer is not considered to increase this by an unacceptable degree. A new side window is proposed in the side southern elevation at ground floor, which would face onto the driveway of No.7 Princes Square. This is detailed on the plans to be obscured, to prevent direct overlooking into the grounds of No.7, and a condition would be attached to secure this was obscured and non-opening and remains this way. On this basis the design is acceptable.

- 11.20. The proposed rooflights would afford only mainly skyward views and acceptable on this basis.
- 11.21. An air source heat pump (ASHP) is to be installed to the side of the proposed extension, behind sliding panels, to screen the appearance and further mitigate any noise produced. Due to the location set back from the shared boundary, and screened, it is considered the amenity (noise) impacts on neighbouring properties are acceptable.
- 11.22. Subject to the recommended conditions 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.

#### **Standard of Accommodation**

- 11.23. As a result of the works, the number of bedrooms would remain at six, but with alterations in layout and increase habitable accommodation for the existing dwelling. The bedrooms, as altered, would meet the minimum floorspace standards and minimum widths required by policy DM1. All of the accommodation provided and altered would benefit from sufficient outlook and natural light and would otherwise improve the overall floorspace and standard of accommodation complying with policy DM1 of the Brighton and Hove City Plan Part Two.

#### **Sustainable Transport**

- 11.24. It is not considered that there would be a material increase in movements associated with the development. Highway access and parking impacts would remain as existing, and Transport Officers have commented the application is acceptable.

#### **Biodiversity**

- 11.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation. In addition, the proposed landscaping plan condition would include mitigation planting for the trees removed as part of the development.

- 11.26. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

**Other matters**

- 11.27. A new basement is proposed, which is acceptable in design and from the annotations on the plan, would contain a gym/playroom and steam room.
- 11.28. Sustainable Drainage Officers have raised no objection in respect of increasing floor risk. Construction of and structural integrity impacts of the proposed basement are not matters that are material to the determination of this application. These would be controlled and dictated by building regulations, and party wall surveyors under The Party Wall Act 1996 primarily.
- 11.29. Representations have raised concerns about the disturbance (noise and dust predominantly) from the demolition and construction works, if the scheme is approved. The scheme is small scale and the site relatively unconstrained in access; therefore, it is not considered appropriate or proportionate to impose a Demolition/Construction Environmental Management Plan (D/CEMP) condition, which is a view shared by Transport Officers who have not raised the need. Any construction works would be subject to the normal environmental controls overseen and enforced by Environmental Health and Planning Enforcement Officers.
- 11.30. Other matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations.

**Conclusion**

- 11.31. The proposed works are considered to improve the appearance of the host building in the streetscene, consolidating previous front extensions into a form which is more in keeping with the host property and Princes Square streetscene, including the heritage features of the conservation area. The rear works are acceptable in form and appearance, minimising potential adverse effects through design. The impact on neighbours would be acceptable, subject to compliance with recommended conditions, with the resulting accommodation provided meeting the required standards. The scheme accords with development plan policy and taking into account planning policy and material considerations, including the NPPF, approval is recommended.

**12. EQUALITIES**

- 12.1. Section 149(1) of the Equality Act 2010 provides:

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

- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

**13. COMMUNITY INFRASTRUCTURE LEVY**

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

# **ITEM G**

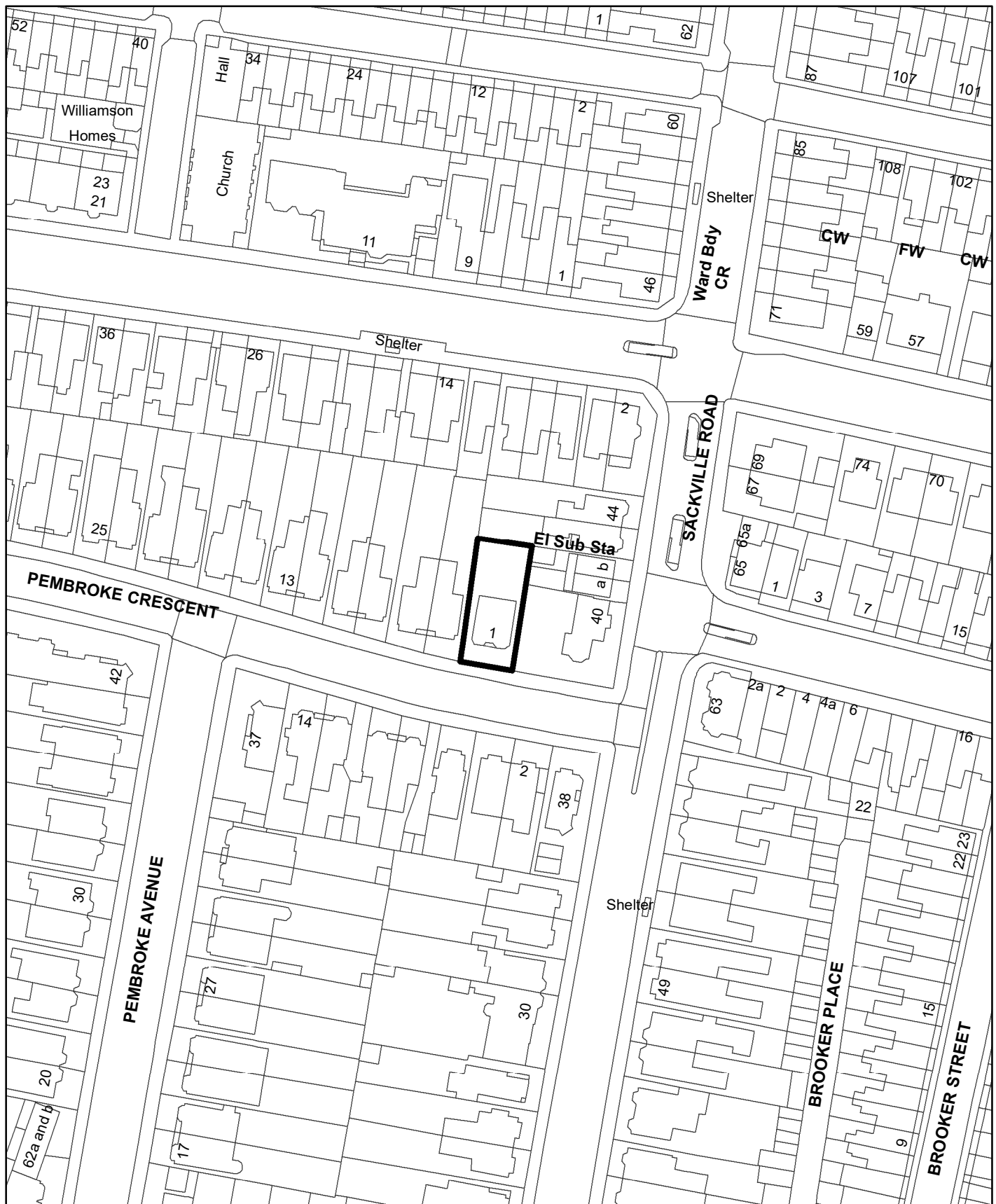
**1 And 1A Pembroke Crescent  
BH2024/02767  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**





# BH2024/02767 - 1 And 1A Pembroke Crescent



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2024/02767</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 And 1A Pembroke Crescent Hove BN3 5DH</b>		
<b><u>Proposal:</u></b>	<b>Change of use of 2no flats (C3) to a three bedroom small house in multiple occupation (C4) and a five bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 290585	<b><u>Valid Date:</u></b>	14.02.2025
<b><u>Con Area:</u></b>	Pembroke and Princes	<b><u>Expiry Date:</u></b>	11.04.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Mr Simon Edward Wilcox 1 Pembroke Crescent Hove BN3 5DH		

## 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	200-GF		13-Jan-25
Proposed Drawing	200-FF		13-Jan-25
Proposed Drawing	200-SF		13-Jan-25
Location Plan	TerraQuest PP-13536900	v1	08-Nov-2024

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

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

3. The Ground Floor HMO (C4 use) hereby approved shall only be occupied by a maximum of three (3) persons and the First and Second Floor HMO (C4 use) shall be occupied by a maximum of five (5) persons.

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

4. The HMOs uses hereby approved shall only be implemented in strict accordance with the proposed layout detailed on the proposed floor plans ref. 200-GF, 200-FF and 200-SF, received on 13th January 2025 and shall be retained as such thereafter. The layout of the kitchen/dining space and living room shall be retained as communal space at all times and shall not be used as bedrooms.

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

5. Prior to first occupation of either of the small HMOs uses hereby approved, details of secure cycle parking facilities to the rear of the property, for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

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. **Restriction on Entitlement to Parking Permits**  
Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

## **2. SITE LOCATION**

- 2.1. The application relates to a two-storey detached building, with accommodation within the roof level. The property is currently divided into a ground floor flat with three bedrooms, and a maisonette with five bedrooms across the first floor and converted roof space.
- 2.2. The property lies within the Pembroke and Princes Conservation Area. The site is subject to the city wide Article 4 direction removing Permitted Development rights for changes of use to small houses of multiple occupation.

## **3. RELEVANT HISTORY**

- 3.1. BH2020/02754 Alterations to front boundary to create larger opening for driveway with vehicle crossover. Installation of electric car charge point. Refused 30.11.2020.

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

- 4.1. The application seeks permission for the change of use of two flats (planning use class C3) to a three bedroom small house in multiple occupation (HMO)(planning use class C4) at ground floor level, and a five bedroom small HMO (C4) at first and second floor levels.

#### **5. REPRESENTATIONS**

- 5.1. In response to publicity, responses were received from ten (10) individuals, objecting to the application and raising the following issues:
- Pressure on local services
  - Anti social behaviour
  - Number of HMOs in the area
  - Increase in noise
  - Impact on parking
  - Management of HMOs
  - Overdevelopment
  - Loss of family housing
  - Impact on property prices
  - Impact on conservation area

#### **6. CONSULTATIONS**

Internal:

- 6.1. **Planning Policy:** No comments to make
- 6.2. **Private Sector Housing:** No comments to make
- 6.3. **Transport:** Verbal comments  
The proposed development would generate significant overspill parking in an area controlled by CPZ that is already at or near capacity. The applicant is advised that this application would currently be classed as car-free development and the LHA will seek to add it to the Council car-free properties' register and advise that any future residents would be restricted from applying for parking permits.
- 6.4. No cycle parking on site has been proposed. There is available space on site therefore further details of cycle parking should be requested via condition.
- 6.5. The proposed development is likely to increase the number of trips to the area. Considering the size of the development the highways impact would not be expected to be significant and would not therefore be grounds for objection under the National Planning Policy Framework.

## **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)

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

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

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

#### Supplementary Planning Documents:

SPD14	Parking Standards
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## **9. CONSIDERATIONS & ASSESSMENT**

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

### **Principle of Proposed Change of Use:**

- 9.2. The application seeks consent for the change of use from two flats within the building to two small houses in multiple occupation (HMO) (C4)). Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis HMO and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.3. A mapping exercise has been undertaken (April 2025) which indicates that there are 80 dwellings within a 50m radius of the application property, 2 of which have been identified as being in HMO use. The percentage of neighbouring dwellings in HMO use within the radius area is thus 1.6%. This is significantly below the maximum the policy seeks to control.
- 9.4. Given the low percentage, it is worth noting that if the two separate HMOs that are now proposed had applied separately under individual applications at differing times, the first proposal would not negatively impact on the second proposal.
- 9.5. Based on the existing percentage of neighbouring dwellings in HMO use, which is less than 10%, the change of use to two small HMOs (C4 use) would not conflict with the aims of policy CP21.
- 9.6. Policy DM7 of CPP2 is also relevant, and includes additional criteria to those set out in Policy CP21, and states the following:  
*"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
  - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
  - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
  - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
  - e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.7. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area in HMO use has been calculated at 1.6%, so it has been amply met.

- 9.8. In relation to criterion b), it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c).
- 9.9. Considerations regarding amenity space and communal living, criteria d) and e), are set out below.
- 9.10. Based on the above, the principle of locating 2 small HMOs on this site is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1.

**Standard of Accommodation:**

- 9.11. No internal or external alterations to the property are proposed. The layout of the proposed HMOs are to remain the identical to the existing flats.
- 9.12. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet these standards is further emphasised within criteria d) and e) of Policy DM7 of CPP2.

Ground floor 3 bedroom HMO

- 9.13. The communal area within the property is just over 14sqm, so it does exceed the 4sqm per person for a maximum occupation of three individuals within the HMO. The communal area provides ample space for food preparation, dining and living. The property has three bedrooms, all of which are spacious and exceed the minimum standards. The property would have one shared bathroom.
- 9.14. The bedrooms would each have windows and allow for natural light, outlook and ventilation.

First Floor and Second Floor 5 bedroom HMO

- 9.15. The communal area within the property is just over 25sqm, so it does exceed the 4sqm per person for a maximum occupation of five individuals within the HMO. The communal area provides ample space for food preparation, dining and living. The property has five bedrooms all of which are spacious and exceed the minimum standards. The property would have bathrooms on both floors.
- 9.16. The bedrooms would each have windows and allow for natural light, outlook and ventilation.

Outdoor space

- 9.17. The property does have external space at ground level but it has not been made clear who would have access. Given both properties have external ground floor entrances, both units could access the rear garden which then would not be considered strictly 'private' amenity space as it would be a shared communal space. Whilst the garden is not overly large and would be shared, it would still provide for an extra amenity area in addition to the communal space and is considered adequate to serve the new residents. It is also noted that the previous use as a two flats experienced a similar arrangement. The units are also centrally located close to local amenities and outdoor spaces.



- 9.18. A condition is recommended to ensure that the layout shown on the approved plans is retained in perpetuity to ensure that the bedrooms are not reduced in size and that the communal space is retained for the amenity of future residents.
- 9.19. Overall, it is considered that the layout of the property as two small HMOs would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.

**Impact on Amenity:**

- 9.20. Policy DM20 of 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.
- 9.21. The change of use from two flats to two small HMOs could create more comings and goings from the property and in a different pattern to the previous use. However, it is not considered that this would amount to such substantial harm to neighbouring properties to warrant refusal of the application when compared to the use as two dwellinghouses. The number of bedrooms is not being increased. The site is detached, which is a mitigating factor, and located within an already established residential neighbourhood.
- 9.22. The internal relationship between the two proposed HMOs has also been considered in terms of their impact on each other. However, given the small scale of the HMOs and the retention of the existing number of bedrooms, the change of use would not cause a significant increase in impact between the ground floor unit and the upper floors unit.
- 9.23. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they can be associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.
- 9.24. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity. It is also noted that the proposal complies with policy DM20 of the City Plan Part Two.

**Sustainable Transport:**

The proposal will likely result in increased comings and goings, however as set out above, the impact is not considered to be significant. The proposals may lead to more demand for parking in the area.

- 9.25. The application site is located close to a number of bus routes with connections all over Brighton and Hove. There are local amenities within walking distances. Therefore residents do not need to rely on a private car. The site is also within a

Controlled Parking Zone (CPZ) where a residents parking permit scheme is in operation. Whilst the Transport officer has indicated that the CPZ is near to capacity, the CPZ will itself adequately control such matters. In addition, the applicant has been advised that the LHA would seek to add the properties to the 'car free' properties register to restrict occupiers from applying for a residents parking permit.

- 9.26. No cycle parking has been shown on the submitted plans. There is scope to provide policy compliant cycle parking to the rear of the site. A condition will be attached to secure further details.
- 9.27. Accordingly, the proposal is considered to comply with policies CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two.

#### Impact on the Conservation Area

- 9.28. In considering whether to grant planning permission the council has a statutory duty to have special regard to the desirability of preserving or enhancing heritage assets such as conservation areas or their settings. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.29. The proposal does not involve any physical alterations and the appearance of the property will remain the same. The proposed small HMO use is a residential use and, whilst it may be more intensely used, it would not compromise the overall residential character of the conservation area.

#### **Biodiversity Net Gain (BNG):**

- 9.30. 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.

#### **Conclusion and Planning Balance:**

- 9.31. The principle of the change of use is considered acceptable and complies with policies CP21 and DM7. The change of use would not cause significant harm to the character of the area and would not substantially detract from the amenity of neighbouring properties. The development would not have a significant impact on the highway.

## **10. EQUALITIES**

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.

- 10.1. 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.



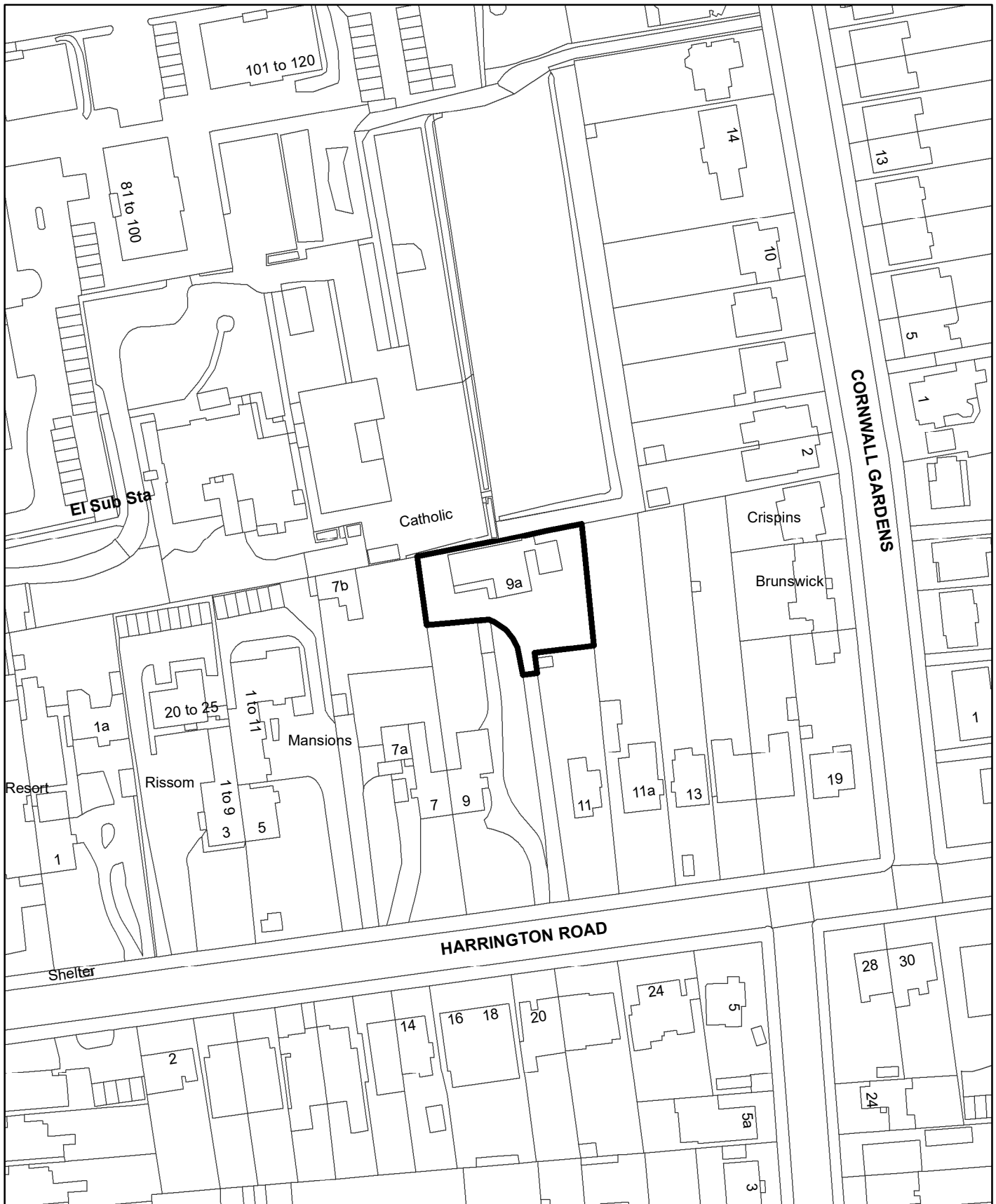
# **ITEM H**

**9A Harrington Road  
BH2024/02554  
Householder Planning Consent**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2024/02554 - 9A Harrington Road



N



**Scale:** 1:1,250





<b><u>No:</u></b>	<b>BH2024/02554</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>9A Harrington Road Brighton BN1 6RE</b>		
<b><u>Proposal:</u></b>	<b>Roof alterations including gable end extensions, addition of dormers to north &amp; south elevations, installation of rooflights &amp; solar panels to east and west elevations.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 292193	<b><u>Valid Date:</u></b>	31.10.2024
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	26.12.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	18.03.2025
<b><u>Agent:</u></b>	Mr Darryl Shear Unit Echo 3 Maritime House Basin Rd N, Portslade, Brighton BN41 1WR United Kingdom		
<b><u>Applicant:</u></b>	Enas Abu Shah 9A Harrington Road Brighton Brighton & Hove BN1 6RE		

## 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	SY1		31-Oct-24
Proposed Drawing	PL1	C	18-Mar-25
Proposed Drawing	PL2	F	13-Mar-25

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

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

3. The glazing in the north, south and west elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the glazing is more than 1.7 metres above the floor of the room in which it is installed, and thereafter permanently retained as such.

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

4. The dormer windows in the north and south elevations of the development hereby permitted 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.

**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 part-single, part-two storey detached dwellinghouse on a rear plot behind houses fronting the northern side of Harrington Road. The property has a detached garage and is accessed via a long access road to the south. The house has a dual pitched roof form with three hipped roof ends.
- 2.2. The site lies within the Preston Park Conservation Area. It borders St Bernadette's Primary School to the north, with neighbouring houses to the south and west.

## **3. RELEVANT HISTORY**

None relevant

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

- 4.1. Planning permission is sought for roof alterations including three hip to gable enlargements, the addition of dormers to the north and south elevations and the installation of rooflights and solar panels to the east and west elevations.
- 4.2. The application description was amended to remove mention of the raising of the roof ridge height, which is now not part of the proposal.
- 4.3. During the course of determining the application, the proposal was amended in the following ways:
- Decrease the size of the proposed dormers
  - Add non-opening obscurely glazed windows below 1.7m above internal floor level to both dormers
  - Remove the Juliet balcony from the front dormer
  - Reduce the amount of glazing to the gable ends
  - Obscurely glaze the proposed glazing to the gable ends
  - Replace two solar panels to the east elevation with an additional rooflight
- 4.4. The existing plans and elevations were also amended to centre the property within the location plan. Distances to neighbouring properties were added to the location plan on these drawings.

#### **5. REPRESENTATIONS**

- 5.1. **Seven (7) objections** have been received raising the following concerns:
- Overlooking/loss of privacy
  - Noise disturbance
  - Property not centred on location plan
  - Breaches original planning permission by extending footprint of property
  - Intrusive and excessive design
  - Not in keeping with conservation area
  - Loss of privacy to school
  - Overbearing dominant design
  - UPVC windows not appropriate
  - Loss of view
  - Proposed third floor (loft conversion) not in keeping with existing building
- 5.2. It should be noted that the above objections were all received prior to the proposed scheme being amended. Following amendments to the design of the proposal, neighbours were reconsulted on the scheme.
- 5.3. **Five (5) objections** were received during the reconsultation period. These objections were received from previous objectors and no additional material considerations which had not already been considered were raised.

- 5.4. **One (1) representation** was received from a previous objector during the reconsultation period confirming that they no longer have any objection to this application stating that it would not affect their property or privacy. They raised that it may still impact the school playground.
- 5.5. **One (1) additional representation** was received during the reconsultation period neither objecting to nor supporting the planning application. The representation raised the following points:
- Addition of solar panels is supported
  - Overlooking/loss of privacy

## **6. CONSULTATIONS**

- 6.1. **Heritage (Verbal):** Initial Comment - Objection  
The roof would become cluttered, aluminium frames are preferable to uPVC and the extent of glazing is considered excessive and should be reduced.

Final Comment - 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)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
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DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

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

Preston Park Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the Preston Park Conservation Area.

Design and Appearance and Heritage Impacts:

- 9.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. The proposed glazing to the north, south and western elevations, as originally proposed, would have covered the majority of the proposed gable ends. Heritage Officers objected to the original application, namely the proposed uPVC framed windows, the excessive amount of glazing and the overall cluttered appearance which would result from the roof additions/alterations. As a result, the glazing to the north, south and west gable ends was reduced in area and amended to aluminium, which heritage confirmed was preferable to uPVC.
- 9.5. The proposed gable ends to the north, south and west elevations are considered acceptable in terms of design. They would not add a significant amount of mass to the property and would remain subservient to it. Hip to gable roof enlargements are a common alteration and feature heavily in the locality. The sides would be finished in plain tiles to match those of the main roof. The gable ends would be clad in vertically hanging tiles, which is considered appropriate and sympathetic to the host property.
- 9.6. The proposed front and rear dormers have been amended to reduce their scale. The Juliet balcony to the front facing dormer originally proposed was removed from the design and replaced with two smaller windows. The dormers would

have dual pitched roofs and would be finished in materials to match the main roof. The dormers, as amended, have been kept to a modest scale and are not considered to dominate the roofslopes. Many dormers of varying scale and design exist within the locality, so the proposed dormers are not considered to appear overly incongruous within their setting.

- 9.7. The proposal would also involve the addition of eight rooflights and twenty-five solar photovoltaic panels, predominantly to the side roofslopes. A cabrio rooflight would also replace a large existing rooflight. These features are considered to clutter the roofslopes of the property and would be somewhat detrimental to the appearance of the dwelling. However, the solar panels would improve the sustainability of the dwelling, and this must be given significant weight when assessing the proposal. On balance, the sustainability benefits of adding this many solar panels are considered to outweigh the harm to the appearance of the dwelling.
- 9.8. Overall, the proposed roof alterations are still considered to result in a relatively cluttered appearance to the roof of the property. Although in design terms, the proposal is not fully supported by the LPA, given the secluded location of the property away from the main streetscene, the impact on the public realm and the heritage features of the conservation area would be minimal so the scheme is considered acceptable.
- 9.9. Heritage was verbally consulted on the application and objected to the proposed uPVC framed windows, the excessive amount of glazing and the overall cluttered appearance which would result from the roof additions/alterations. Following consultation with heritage, the glazing to the north, south and west gable ends was reduced in area and amended to aluminium, which heritage confirmed was preferable to uPVC. These issues are considered to be satisfactorily addressed in the amended design. Given the secluded location of the property away from the Harrington Road streetscene, the proposed loft conversion is not considered to be significantly harmful to the character and appearance of the Preston Park Conservation Area and would not warrant refusal of the application.

Impact on Residential Amenity:

- 9.10. A number of objections to the proposed development have been received. The primary concern raised is loss of privacy. In order to attempt to address the concerns raised, a number of amendments to the design were made. Firstly, the Juliet balcony to the front dormer was removed and replaced with two non-opening windows (below 1.7m above internal floor level) in obscured glazing. The same windows were added to the rear dormer. The proposed glazing to all three gable ends was amended to obscure glazing. A condition is attached ensuring that any glazing in these elevations below 1.7m above internal floor level will be obscurely glazed and retained thereafter.
- 9.11. The proposed rooflights to the front (south) elevation would be at the same level as the existing first floor windows and are not considered to provide any additional significant compromising views into neighbouring properties to the south. The proposed rooflights to the east and west side elevations would be at

a high level, so are also not considered to result in any significant privacy concerns. The proposed cabrio rooflight to the west elevation is not expected to provide a significantly increased view into the adjacent neighbours to the west when compared to the views already provided by the existing large rooflight which it would replace.

- 9.12. The proposed roof extensions would not be overbearing to the adjacent neighbours as they would be set away a substantial distance from all surrounding neighbouring properties. Because of this, they are also not expected to result in any loss of light to neighbouring properties.
- 9.13. It is considered that for the reasons set out above, the proposed development, as amended, would not cause significant harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.
- 9.14. In terms of the amenity of future residents, the accommodation generally accords with the Nationally Described Space Standards (NDSS). The additional bedroom proposed would have an approximate internal floor space of 15.2m<sup>2</sup>. This exceeds the standard for two bedspaces of 11.5m<sup>2</sup>. The outlook and natural light would be provided through the rear dormer windows. These windows would be predominantly obscurely glazed so the outlook would be limited, however given this is the fifth bedroom, this is considered acceptable.

**Sustainability:**

- 9.15. The proposal would also involve the addition of twenty-five solar photovoltaic panels on the eastern and western side roofslopes of the house. Although as previously mentioned within this report, this would clutter the roof, this is considered to improve the sustainability of the dwelling as it would reduce its reliance on fossil fuels for energy generation. The proposal would accord with Policy DM44 of the City Plan Part Two.

**Other Considerations:**

- 9.16. Objections have been raised in regard to potential for noise pollution from the enlarged property. Whilst the new windows, when open, could increase the breakout noise from the house, taking in to account likely background noise levels and the type of occupation in this domestic setting, any increase in noise would not be so significant as to warrant refusal.

**Conclusion and Planning Balance:**

- 9.17. The proposed works are considered to be acceptable in design and in terms of their impact on the surrounding conservation area, particularly given the site's location behind the dwellings fronting the road. The dwelling is set back from the boundaries, reducing the potential impact on neighbours, which has been further reduced by amendments to remove a balcony and other glazing. The incorporation of solar panels would have some visual impact but the benefits to the provision of renewable energy are considered to outweigh these. On balance, therefore the scheme is considered acceptable, and approval is recommended.

**Biodiversity Net Gain**

- 9.18. 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.

## **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.



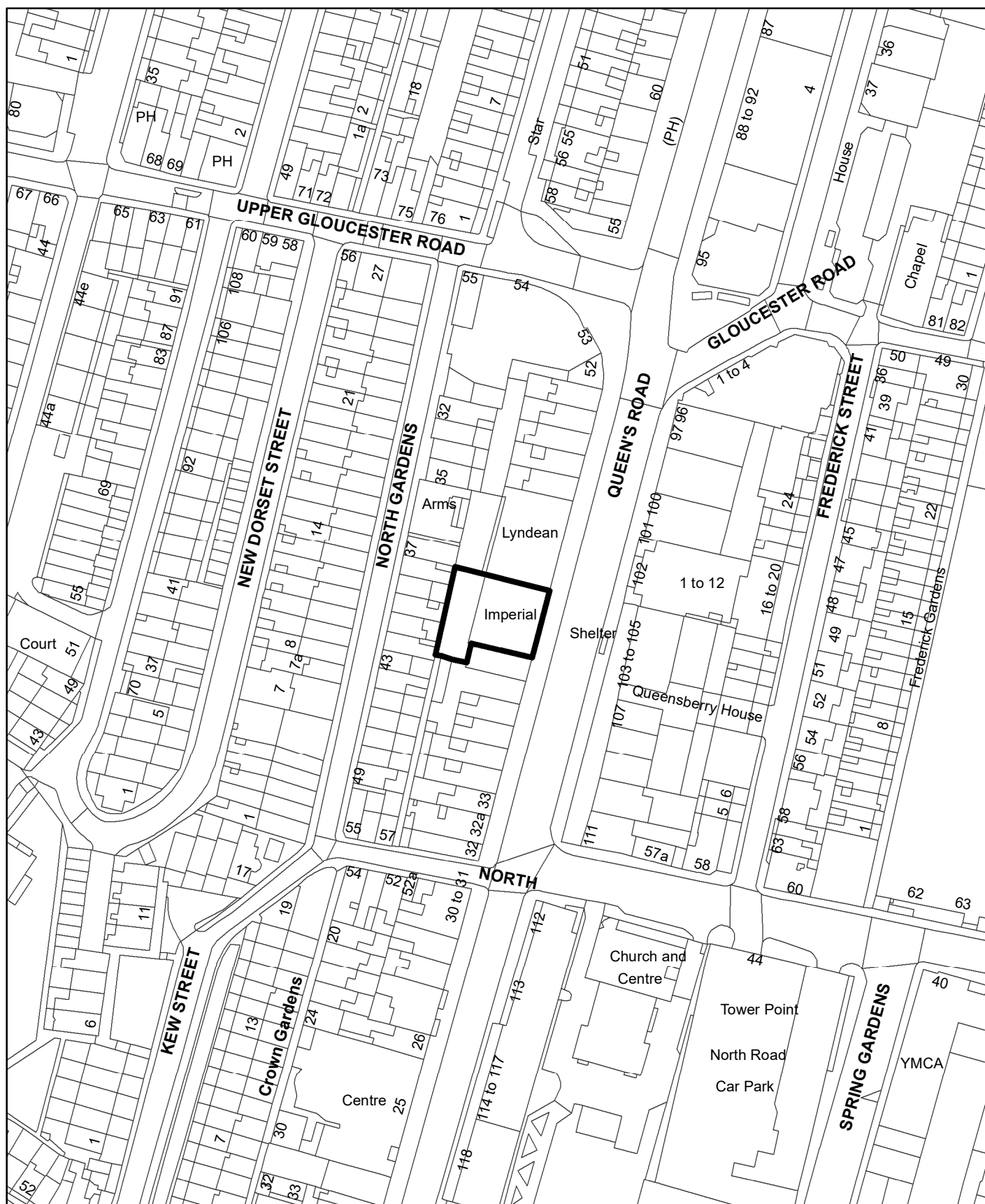
# **ITEM I**

**Imperial House  
40 - 42 Queens Road  
BH2025/00222  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2025/00222 - Imperial House, 40-42 Queens Road



N



Scale: 1:1,250



<b><u>No:</u></b>	BH2025/00222	<b><u>Ward:</u></b>	West Hill & North Laine Ward
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	Imperial House 40 - 42 Queens Road Brighton BN1 3XB		
<b><u>Proposal:</u></b>	Replacement of existing windows with timber framed double glazed windows. Erection of rear external deck area with covered bin and bike stores and partially covered outside seating area. Painting of ground floor front elevation.		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 292193	<b><u>Valid Date:</u></b>	27.01.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	24.03.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	SHW SHW Brighton Lees House 21-33 Dyke Road Brighton BN1 3FE		
<b><u>Applicant:</u></b>	EE Private Capital Limited Suite 1 Staple House Eleanor's Cross United Kingdom		

## 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	PL-200		27-Jan-25
Proposed Drawing	PL-300		27-Jan-25
Proposed Drawing	PL-301		27-Jan-25
Proposed Drawing	PL-302	A	11-Apr-25
Proposed Drawing	PL-303		27-Jan-25
Location Plan	PL-020		27-Jan-25

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

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

3. The seating area shall not be used outside the hours of 8am to 8pm Monday to Saturday and 9am to 5pm on Sundays, Bank and Public Holidays. No activity within the site shall take place between the hours of 23.30 and 06.30 daily.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 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.

**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 falls within the West Hill Conservation Area and comprises a five-storey building in use as offices on the west side of Queens Road.

**3. RELEVANT HISTORY**

- 3.1. **BH2023/02863** Refurbishment of the main entrance, incorporating repairs to render, redecoration at ground floor up to and including the raised pilasters and first floor balcony railings, replacement of anti-bird spikes to balconies, replacement of tiled flooring with new porcelain tiles, replacement of existing intercom unit. Approved 13.12.2023
- 3.2. **BH2023/01904** Replacement of existing single-glazed timber framed windows with double-glazed uPVC framed windows to rear elevation. Approved 15.09.2023
- 3.3. **BH2012/02121** Installation of replacement entrance doors. Approved 05.09.2012

- 3.4. **BH2001/02391/FP** Installation of air conditioning units at the rear of the premises. Approved 30.04.2002

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

- 4.1. Planning permission is sought for the replacement of the existing windows with like for like timber framed double glazed windows, the erection of a rear external deck area with covered bin and bike stores and a partially covered outside seating area. Permission is also sought to paint the ground floor front elevation.
- 4.2. During the course of determining the application, an amended front elevational drawing was received to show the proposed paint scheme. The application description was also amended to include the proposed painting scheme.

#### **5. REPRESENTATIONS**

- 5.1. Six (6) letters have been received from objecting to the proposed development for the following reasons:
- Increased noise and smoking
  - Increased use of the access alley
  - Security compromised - gates could be left open
  - Potential increase in crime/anti-social behaviour
  - Loss of safety
  - Additional traffic
  - Too close to the boundary
  - Adversely affects Conservation Area
  - Detrimental effect on property value
  - Poor design

#### **6. CONSULTATIONS**

- 6.1. **Sustainable Transport:** 19.03.2025 Further information required  
The applicant has kindly provided cycle parking in the rear garden, accessible via a pedestrian passage from North Road. The cycle parking includes 20 spaces using two-tier cycle racks with e-bike charging facilities.
- 6.2. However, it is unclear whether the proposed number of cycle spaces complies with the Parking Standards SPD14 and meets the actual cyclist demand. While ensuring that the number of spaces aligns with SPD14, the quality of provision is also paramount. All the proposed cycle spaces are two-tier racks, which may not be universally accessible. We would expect a portion of the spaces to be Sheffield Stands.
- 6.3. Could the applicant clarify the compliance with SPD14 and consider incorporating Sheffield Stands for improved accessibility?

- 6.4. **Heritage: 26.03.2025** Comment regarding paint scheme  
There is no Article 4 on paints for this conservation area. However, the Conservation area character statement references the policy SPGBH2. I think by this standard these colours are a little dark but not totally unacceptable so I would not object.
- 6.5. **Heritage: 14.04.2025** Comment regarding main works  
The proposed alteration to the rear of the building will not cause any harm to the historic significance of the building because that is not visible from the conservation area or from any listed building.
- 6.6. The replacement of windows with timber double glazing should be acceptable provided the windows on the upper floors are in slim section double glazing. The ground floor windows on a shopfront such as this would normally be in thicker laminated or toughened glass. There is no objection to whichever method is used, but we should have clarity on the details of the glazing proposed. A condition should be included requiring sections through the glazing.

## 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)

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

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
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
DM33	Safe, sustainable and active travel

Supplementary Planning Documents:

SPD09	Architectural Features
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 design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the West Hill Conservation Area. The impact of the proposal on the public highway also requires consideration.

- 9.2. The assessment of the proposal was based on the drawings provided and a site visit.

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

- 9.3. The site is within the West Hill Conservation Area. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. The proposal to replace the entirety of the windows to both the front and rear elevations is deemed acceptable. The proposed windows would be replaced with like for like timber joinery. The only difference would be the glazing which would be upgraded to higher thermal performance double glazing. The framing, detailing and joinery sections would be identical to the existing joinery so there will be no discernible change in appearance either to the front or the rear, other than improving it through refurbishment. Heritage recommends a condition requiring full details of the proposed windows including elevations and joinery sections. Given the windows would be replaced with like for like timber joinery, it was not considered necessary to impose this condition.
- 9.5. The proposed changes to the rear would involve the erection of a rear external deck area with covered bin and bike stores and a partially covered outside seating area. The deck would be at the same height as the rear access path and bin/bike stores. There currently exists a bin and bike store in this location.
- 9.6. These works would represent an improvement over the existing facilities at the rear of the site. They would allow for a greater number of bikes to be stored and would provide facilities for staff on their break in the rear courtyard. Given their location at the rear of the site, the proposed changes outlined above would not be visible from the public domain and as such would not have any impact on the

character or appearance of the host building or wider area, including its heritage features.

- 9.7. The proposal also seeks to paint the front elevation at ground floor level with graphenstone indigo paint (closest RAL colour is RAL 7301). While this would contrast the rest of the building and would appear noticeably dark, given the wide range of colours in the ground floor commercial units of nearby buildings within the Queens Road streetscene, this is on balance considered acceptable.
- 9.8. Overall, the proposed alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policies CP16 of City Plan Part 1, Policies DM21 and DM26 of City Plan Part 2 and SPD12 guidance.

**Impact on Amenity:**

- 9.9. No impacts on amenity are expected to occur as a result of the proposed fenestration or paint changes. No new openings are proposed.
- 9.10. A number of objections were received in regard to the proposed alterations to the facilities in the rear courtyard. However, the proposed timber structure to cover the bin store, cycle parking and seating area would be of a modest height and given the height of the rear boundary wall for the rear gardens along North Gardens, it is not expected to be overbearing and would not result in any loss of light to these houses. Given the proposed deck would be no higher than the rear access path, it would not provide any additional compromising views into neighbouring properties when compared to the existing situation. No loss of privacy is expected.
- 9.11. A number of objections received were in relation to an increase in noise pollution. The improved cycle parking may allow for more cycles to be stored, but this is not expected to significantly increase noise breakout from the area. The seating area may result in some additional noise emanating from this space as it will make the area more inviting for those working at the property. However, the area has always been accessible, and this noise would be highly infrequent and is likely to be concentrated around lunch times on weekdays. Furthermore the application site is within the city centre, so taking in to account likely background noise levels within this densely populated urban area, any increase in noise would not be so significant as to warrant refusal. A condition has been attached to limit the hours of use of the seating area.
- 9.12. It is considered that for the reasons set out above, the proposed development would not cause harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

**Sustainable Transport:**

- 9.13. The proposal seeks to improve the cycle storage facilities for staff at the rear of the site, in accordance with policy DM33 of the Brighton and Hove City Plan Part 2.

- 9.14. The newly proposed cycle parking includes twenty spaces using two-tier cycle racks with e-bike charging facilities. The Local Highways Authority (LHA) was consulted on the application and queried the number of parking spaces and the lack of Sheffield stands included in the proposal. While the transport comments are noted, given the application is solely for an improvement over the existing cycle facilities and is not for a change of use or a new development, it is not considered reasonable to require amendments to the proposed cycle parking to allow for more stands and the inclusion of Sheffield stands.

**Other Considerations:**

- 9.15. Objections have been raised in regard to the detrimental impact on property value from the proposal. This is not a material planning consideration and cannot be taken into account when assessing these works. Loss of security and safety and the potential increase in crime and anti-social behaviour was also raised in the objections. Firstly, the application relates to an improvement in the facilities at the rear of the building. It would not increase the number of staff who can access the rear of the building via the alleyway and through the three gates. Further, the agent confirmed that staff already have access to the rear of the building to use the existing cycle storage. As the proposal would simply improve the existing facilities and would not create any new access or use, it is not considered to result in any additional security risks and in the LPAs view, would not encourage crime nor anti-social behaviour.

**Biodiversity Net Gain**

- 9.16. 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.

**Conclusion and Planning Balance**

- 9.17. The proposal would result in some impact on the appearance of the building and area, including the heritage features of the West Cliff Conservation Area, but is generally seen to be an improvement. The provision of a covered area to the rear would just cover what is already an external amenity space for the building, so no increase in noise is expected over what is already possible from the site, and no other impacts on residential amenity are anticipated. The provision of a cover over the existing cycle storage area is considered positive. Overall therefore the scheme is considered to accord with the development plan and other material considerations so approval is recommended.

## **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.

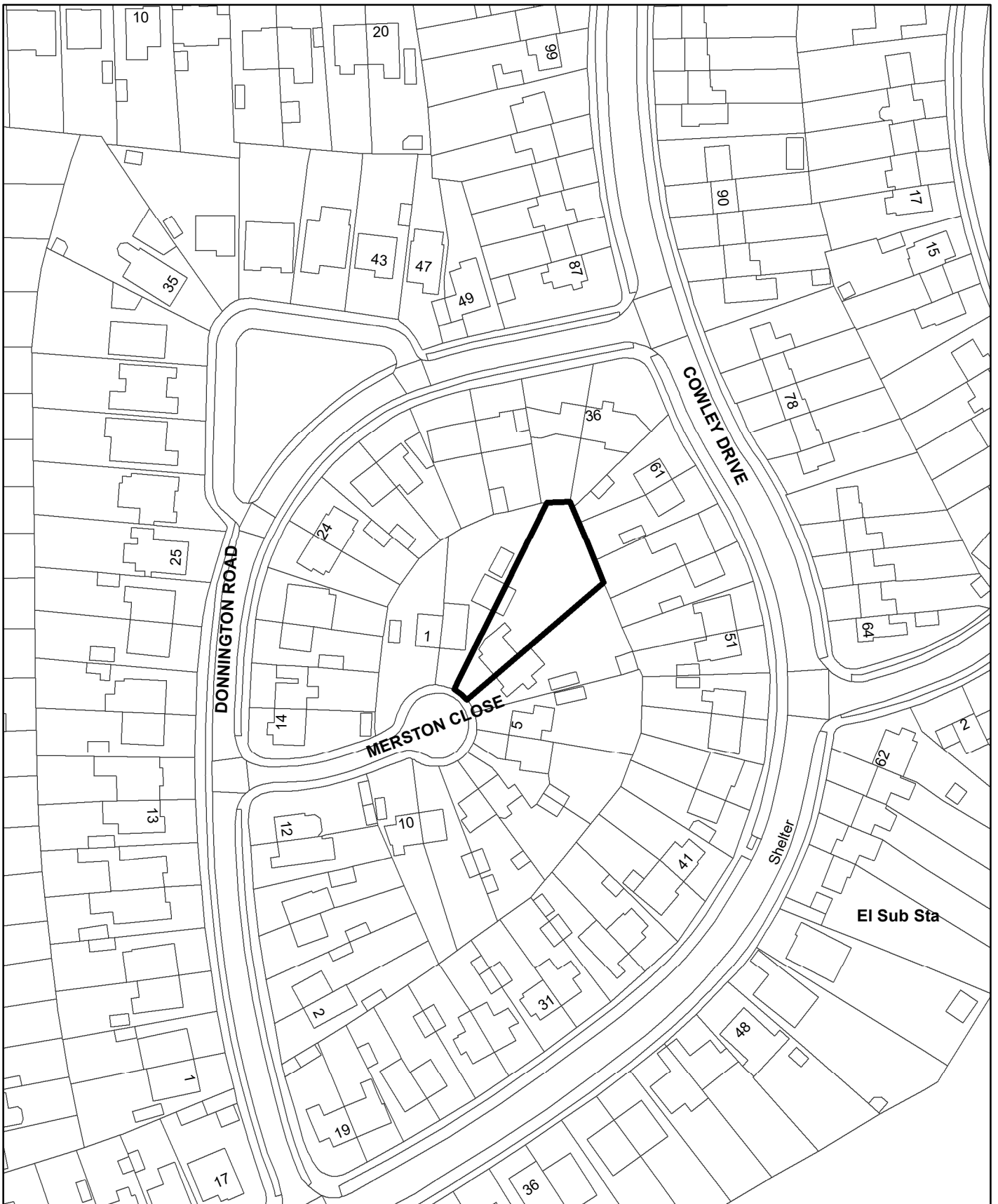
# **ITEM J**

**3 Merston Close  
BH2024/03089  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2024 03089 - 3 Merston Close



N



**Scale:** 1:1,250





<b><u>No:</u></b>	<b>BH2024/03089</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>3 Merston Close Brighton BN2 6WJ</b>		
<b><u>Proposal:</u></b>	<b>Demolition of side extension, porch and garage to existing dwelling and erection of 1no new dwellinghouse (C3) to rear with carport and associated landscaping. (Amended Design)</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	14.01.2025
<b><u>Con Area:</u></b>	N/a	<b><u>Expiry Date:</u></b>	11.03.2025
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	14.05.2025
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Fairstone Property Holdings Limited 54 Davigdor Road Hove BN3 1RB		

## 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	WV3-ELEVS-CP	V4	25-Feb-25
Proposed Drawing	WV3-ELEVS-FE	V4	27-Mar-25
Proposed Drawing	WV3-ELEVS-PC	V1	19-Dec-24
Proposed Drawing	WV3-ELEVS-SE	V4	27-Mar-25
Proposed Drawing	WV3-PLANS-BH	V3	08-Apr-25
Block Plan	WV3-PLANS-BP	V3	08-Apr-25
Proposed Drawing	WV3-PLANS-FP	V4	27-Mar-25
Proposed Drawing	WV3-PLANS-PC	V1	19-Dec-24
Proposed Drawing	WV3-PLANS-PS	V3	08-Apr-25
Detail	WV3-PLANS-TP	V2	27-Mar-25
Proposed Drawing	WV3-SECTS-CL	V2	27-Mar-25
Detail	WV3-SPDS-FD	V2	08-Apr-25
Location Plan	-	-	19-Dec-24
Report/Statement	BNG Small Site Metric	-	19-Dec-24
Report/Statement	BNG Gain Plan	-	19-Dec-24

Report/Statement	Preliminary [Bat] Roost Assessment (Ref: 0203)	-	19-Dec-24
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) samples/details of all brick and tiling
  - b) samples/details of the proposed window, door and balcony treatments
  - c) samples/details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM44 of the Brighton & Hove City Plan Part Two.
  
4. Prior to first occupation of the dwelling hereby permitted, the angled louvres across the entirety of the dormer window of Bedroom 3 shall be installed. The louvres shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the privacy of the occupiers of neighbouring properties and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
  
5. Other than demolition, the development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM20 of Brighton & Hove City Plan Part Two.
  
6. No extension, enlargement, alteration of the new dwellinghouse or provision of buildings or hardstandings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and

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

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

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

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

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

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

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

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area; to ensure that the development has an acceptable impact on general flooding and the water environment; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22 and DM37 of the Brighton & Hove City Plan Part Two.

9. Other than demolition works, the development hereby permitted shall not be commenced until a full surface and foul water drainage strategy for the site,

based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be implemented in accordance with the approved details.

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

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

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

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

**Reason:** To improve the water efficiency of existing and new development and help reduce water wastage to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the cycle parking shown on the approved plans has been fully implemented and made available for use. The cycle parking shall thereafter be retained for use at all times.

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

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies CP8 of the Brighton & Hove City Plan Part One; DM18 and DM21 of Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

14. Prior to the first occupation of the new dwelling hereby permitted, the garage and side extension existing on site shall be demolished in their entirety.

**Reason:** To ensure that sufficient access is provided for residents of the new dwellinghouse, and to comply with policies CP9 of the Brighton & Hove City Plan

Part One, and DM1, DM33 and DM36 of the Brighton & Hove City Plan Part Two.

15. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the approved floorplans.

The internal layouts shall be retained as first implemented thereafter.

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

16. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Roost Assessment (Amethyst Ecology, 26/09/24, Ref. 0203) and in broad accordance with the draft Biodiversity Gain Plan (Fairstone Property Holdings Ltd, 20/12/24) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, to provide a net gain for biodiversity as required by paragraphs 187 and 193 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and to comply with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

17. No development shall take place (including any demolition, ground works, site clearance) until a method statement setting out how protected species will be safeguarded during site clearance and construction has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

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

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and to comply with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

18. No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures and including at least three swift bricks and one bee brick has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures; and
  - j) details for disposal of any wastes arising from works.

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

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored; that the proposed design, specification and implementation can demonstrate this; and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework and policy DM37 of the Brighton & Hove City Plan Part Two.

19. The Biodiversity Gain Plan shall be prepared in accordance with the Excel copy of the Small Sites Metric (SSM) completed by Finn d'Ascoli (Architectural Designer/Project Manager) on 19 December 2024; Proposed BNG Habitat Creation Plan (PBNGHCP, Fairstone Property, 19/12/24, V1, Drawing No. WV3-PLANS-BH); and Draft Biodiversity Gain Plan (DBGP, completed by Finn D'Ascoli of Fairstone Property Holdings Ltd on 20 December 2024).

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

20. Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include:
- i. A non-technical summary
  - ii. The roles and responsibilities of the people or organisations delivering the HMMP
  - iii. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

- iv. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first [occupation or use] of the development
- v. The monitoring methodology and frequency in respect of the created or enhanced habitat
- vi. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

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

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

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

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

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

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

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

Informatives:

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

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
4. The drainage strategy required by Condition 10 should include:
  - Proof that sustainable drainage has been considered, including justification as to why forms of sustainable drainage excluded are not considered suitable.
  - Plans showing the location and specifications (including size and capacity) of each feature used for collecting, treating, attenuating, and infiltrating surface water.
  - Calculations demonstrating that the proposed drainage strategy is sufficient to prevent flooding in a 1 in 100 year +40%CC design storm, and that the site's ground infiltration rate is sufficient to deliver this.
  - A maintenance and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties responsible for them.
  - Confirmation that the drainage strategy offers sufficient treatment to prevent groundwater contamination, referencing the Simple Index approach in the CIRIA SuDS Manual (C753). As the site is located within a Source Protection Zone, this is particularly important.
  - Correspondence from Southern Water demonstrating that their public sewers can receive the anticipated peak discharge rate.
  - Confirmation of the existing foul drainage layout.
  - Evidence that the existing and proposed sewer infrastructure is suitably sized for the anticipated peak discharge rate.
5. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
6. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
7. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where



water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

8. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
9. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
10. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
11. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
12. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

### **Biodiversity Gain Plan**

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements built into The Act are considered to apply.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the "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 is Brighton & Hove City Council.

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

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

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

## **2. SITE LOCATION**

- 2.1. The application site is a residential plot occupied by a semi-detached two-storey dwelling at the end of the Merston Close cul-de-sac. The original building has been enlarged with a loft conversion and a single storey rear extension.
- 2.2. Merston Close contains five pairs of semidetached dwellings, within a large residential area at the southern end of Woodingdean, on the edge of the South Downs National Park. The site lies within a groundwater source protection zone but is not subject to any designations or protections. The topography of the land slopes gently up from southwest to northeast across the site, so the neighbouring dwellings on Cowley Drive sit on slightly higher land.
- 2.3. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans and photos provided and from recently taken street-level and aerial imagery of the site.

## **3. RELEVANT HISTORY**

- 3.1. **BH2024/02071** Demolition of side extension, porch and garage to existing dwelling and erection of 2no. new dwellinghouses (C3) to rear with carport and associated landscaping. Refused (Appeal in Progress)
  - "1. *The number of proposed dwellings would result in an overdevelopment of the site, and of the area, resulting in a density significantly greater than that of the local built environment. Each new dwelling, due to its design, form and scale, and the size of the site would be highly visible from the surrounding properties, and would appear as an overly tall and heavy addition to the garden landscape, compounding concerns over density. The densification of development within a small cul-de-sac would fail to lead to a cohesive townscape. The development therefore would be*

contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One, and DM18 of the Brighton & Hove City Plan Part Two, which together seek to manage the density and appearance of new development with the aim of safeguarding the visual amenity and established character of the local built environment.

2. *The upper floor windows of the proposed dwellings would offer harmfully intrusive views into the rear gardens of nos.59 and 61 Cowley Drive, significantly reducing the privacy enjoyed by occupants and detrimentally impacting on the desirability of the gardens as private amenity spaces. Furthermore, the physical presence of the proposal, due to its form and scale, alongside its proximity to the boundaries with neighbouring properties, would appear overbearing and create an unacceptable sense of enclosure for residents of no.4 Merston Close and nos.57-61 (odds) Cowley Drive. These effects would amount to an unacceptable detrimental impact on the residential amenity of local residents, contrary to policy DM20 of the Brighton and Hove City Plan Part Two, which aims to safeguard the amenity of residents from new development."*

- 3.2. **BH2024/01631** Demolition of side extension, porch and garage to existing dwelling and erection of 3no new dwellinghouses (C3) to rear with carport and associated landscaping. Refused

- "1. *The number of proposed dwellings would result in an overdevelopment of the site and creation of a density significantly greater than that of the local built environment. This would result in a cramped form of development that would erode the spacious character of the area. Furthermore, each new dwelling, due to its height and materiality, would be highly visible from the surrounding properties, and would appear as an overly tall and heavy addition to the garden landscape, compounding concerns over density. The densification of development within a small cul-de-sac would fail to lead to a cohesive townscape. The development therefore would be contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One, and DM18 of the Brighton & Hove City Plan Part Two, which together seek to manage the density and appearance of new development with the aim of safeguarding the visual amenity and established character of the local built environment.*
2. *The upper floor windows of the proposed dwellings would offer harmfully intrusive views into the rear windows of nos.3 and 4 Merston Close, and the rear gardens of nos.57-61 (odds) Cowley Drive, significantly reducing the privacy enjoyed by occupants and detrimentally impacting on the desirability of the gardens as private amenity spaces. Furthermore, the physical presence of the proposal, due to its form and scale, alongside its proximity to the boundaries with neighbouring properties, would appear overbearing and create a sense of enclosure for residents of no.4 Merston Close and nos.57-61 (odds) Cowley Drive. These affects [sic] would amount to an unacceptable detrimental impact on the residential amenity of local residents, contrary to policy DM20 of the Brighton and Hove City Plan Part Two, which aims to safeguard the amenity of residents from new development.*
3. *The central dwelling hereby proposed would fail to provide a gross internal area that would meet the minimum requirement of the Nationally Described*

*Space Standard. It is considered that the dwelling would therefore provide a cramped and unacceptable standard of accommodation for future residents and would be contrary to policy DM1 of the Brighton and Hove City Plan Part Two, which seeks to ensure that residential development achieves a high standard of accommodation.”*

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

- 4.1. Planning permission is sought for the demolition of the existing garage and extension, and erection of a single dwellinghouse and associated car port to the rear of no.3 Merston Close.
- 4.2. The proposed dwelling has a pitched roof form and two front dormer windows, with rooflights to the rear. The eaves height is some 4.2m and ridge height some 6.7m. The downstairs is laid out with a kitchen/diner, utility room, living room and study, and the upstairs contains three bedrooms and a bathroom.
- 4.3. External materials for the new dwelling include cream and grey brickwork, slate roof tiles and aluminium fenestration.
- 4.4. A car port, cycle parking and refuse/recycling store is at the front of the new dwelling, adjacent to an annex within the neighbouring site, and an area for Biodiversity Net Gain has been earmarked for the north corner of the application site.
- 4.5. The design has been amended during the application lifetime, decreasing the number of bedrooms so the building is suitably subservient to the existing dwelling; increasing the amount of garden space retained by the existing dwelling; and adding dormer windows to the roofscape to improve the outlook for future residents.

#### **5. REPRESENTATIONS**

- 5.1. Eight (8) representations have been received, objecting to the proposal on the following grounds:
  - Disruption during the building process
  - Unsuitable site access for emergency vehicles and waste collection
  - Increased highway safety risks, and noise, from additional traffic
  - Loss of pre-existing habitat in garden
  - Disruption to the tenanted annex at no.2 Merston Close
  - Light pollution to gardens
  - Lack of consultation
  - Electric vehicle charging points will not be used
  - Cycle parking will not be used
  - Lack of information regarding drainage
  - Lack of need for additional housing in the area

## 6. CONSULTATIONS

### Internal

#### 6.1. Arboriculture Team **No Objection subject to condition**

The loss of unprotected trees previously on the site is noted. In the event planning permission is minded to be granted it should be subject to protection of the retained apple tree, and a scheme for mitigation planting.

#### 6.2. Local Highway Authority **No Objection subject to condition**

No objection in principle, but it should be confirmed that the access arrangements are agreed with the neighbouring property owner\*. In the event permission is minded to be granted, cycle parking and a Construction Environment Management Plan should be secured by condition.

*\*Agreement over shared access is a civil matter outside the scope of planning, so should not be given any weight in this assessment.*

#### 6.3. Planning Urban Design Officer **No Objection subject to condition**

The proposal is acceptable in principle. Further information should be provided with regards to landscaping/planting, and some changes are recommended with regards to material specifications, but these can be secured by condition.

#### 6.4. Sustainable Drainage Team **No Objection subject to condition**

No objection in principle, but further information should be secured by condition, including:

- Correspondence from Southern Water demonstrating that their public sewers can receive the anticipated peak discharge rate
- Confirmation of the existing foul drainage layout
- Evidence that the existing and proposed sewer infrastructure is suitably sized for the anticipated peak discharge rate
- A full drainage strategy

### External

#### 6.5. County Ecology **No Objection subject to condition**

Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response. It is considered likely that the biodiversity objective of at least 10% biodiversity net gain will be met.

#### 6.6. Southern Water **No Objection**

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

## 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. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA5	The Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

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

WMP3	Implementing the Waste Hierarchy
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RM0            Sustainable Use of Aggregates

Supplementary Planning Documents (SPD)

SPD03	Construction & Demolition Waste (2006)
SPD06	Trees & Development Sites (2006)
SPD11	Nature Conservation & Development (2022)
SPD12	Design Guide for Extensions and Alterations (2020)
SPD14	Parking Standards (2016)
SPD16	Sustainable Drainage (2019)
SPD17	Urban Design Framework (2021)

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety. Sustainability and biodiversity are also considerations.

Principle of Development

**Creation of Housing**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24<sup>th</sup> March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply which must be given increased weight in the planning balance.

**Plot Density**

- 9.5. CPP1 policy CP14 states that increases in built density will be acceptable where it is demonstrated that the development would be of high quality and maintain or create a coherent townscape; would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place; include a mix

of dwelling types that reflect local need; be accessible by sustainable transport; be well served by local services and community facilities; and provide outside amenity space. Policy DM19 seeks to ensure developments make effective and efficient use of sites.

- 9.6. A survey of plot and building sizes of the closest properties on Merston Close, Cowley Drive and Donnington Road (50 plots including the application site) has been undertaken. It indicates that the average plot size is some 324m<sup>2</sup> and the average property occupies some 20% of the plot.
- 9.7. The existing plot size serving the current dwelling at 3 Merston Close is large and significantly above average in terms of size at approximately 660m<sup>2</sup>. It can therefore be subdivided into two suitably sized plots: some 485m<sup>2</sup> for the proposed site and 175m<sup>2</sup> for the existing/retained dwelling. The proposed dwelling would occupy around 24% of its plot, which is around the average for the area. Whilst of slightly higher density, it is considered that the proposal would be in keeping with the character of the local area and that overall, the site is able to accommodate a total of two dwellings.

#### Design and Appearance

##### **Demolition**

- 9.8. The removal of the side extension, front porch, and detached outbuilding to facilitate the development is considered to be acceptable in terms of appearance. None of these features are of any notable design merit and there is no objection to the demolition and the associated physical works to the dwelling. The Local Planning Authority has no concerns in this regard.

##### **Form & Scale**

- 9.9. The proposed dwelling is considered to be acceptable in terms of form and scale. It is two-storey but effectively has the appearance and size of a single storey dwelling with a habitable roofscape, and appears subservient to the main dwelling. It is also positioned primarily behind said dwelling, so would not have a strong visual relationship when viewed from the public highway.
- 9.10. The two dormer windows are modest additions to the roofscape and do not dominate. Given the aforementioned calculations with regards to urban density, it is not considered that the proposal constitutes overdevelopment; this is an uncharacteristically large site and has the space to accommodate an additional dwellinghouse. Appropriately sized outdoor garden amenity space would be provided for both dwellings.
- 9.11. The detached car port is considered to be acceptable in terms of form and scale; it is comparable to the existing garage (to be demolished) and would be sited immediately adjacent to a larger outbuilding in the garden of no.2. It is considered that it would have an acceptable impact on the character of the streetscene.
- 9.12. It is recommended that permission only be granted subject to a condition requiring the submission and approval of existing and proposed ground levels within the site and on adjacent land, to ensure that the dwelling would be suitably



positioned and not appear overly dominant. This would also assist in managing potential impacts on neighbouring amenity.

- 9.13. Furthermore, permission should only be granted subject to a condition removing certain permitted development rights for the new dwelling. Given the significant constraints of the site, alterations that could be possible through the Town and Country Planning (General Permitted Development) Order 2015 (as amended) could have unsuitable impacts on the appearance of the dwelling and/or the amenity of local residents.

**Materiality**

- 9.14. The schedule of materials for the development is limited in colour palette to cream and shades of grey. The LPA is concerned that this would fail to reflect the back garden setting of the development and considers warmer tones would be more appropriate. Final material specifications shall be secured by condition.

**Impact on South Downs National Park**

- 9.15. The proposed development site is approximately 130m from the edge of the South Downs National Park, set within a residential area. It is considered that it would have no impact on the significance of the Park as it would be screened from view.

Impact on Amenities

**Overshadowing/Loss of Light**

- 9.16. Given the relatively low eaves height of some 4.2m and ridge height of some 6.7m, coupled with the physical separation between the proposed dwelling and its site boundary, it is not considered that it would have any significant impacts on natural light provision within the curtilage of any of the surrounding properties, including the current dwelling at no.3.

**Loss of Outlook**

- 9.17. The proposed development is not anticipated to result in harmful loss of outlook for residents of the any of the surrounding properties; the concerns raised from the local consultation are acknowledged but not shared by the LPA due to the separation distance between the proposed development and windows on the surrounding dwellings.

**Noise Nuisance**

- 9.18. The potential impact caused by the building work itself is not a material planning consideration to be given any weight in the assessment of the proposal as it would be short term and small scale. Although some level of disruption is likely, this would be in the short-term only and is not reason to withhold planning permission.
- 9.19. Concerns have also been raised that the vehicle movements associated with the new dwellings would create an unacceptable impact on the amenity of residents. The LPA considers that any impact would be upon occupants of nos.2 and 3 Merston Close, between which the accessway would be routed.

- 9.20. It is considered that there is an existing garage in the location of the proposed car port. Whilst it appears to not have been in use for some time, there is nothing to stop it from being brought back into use, and vehicle movements associated with it would be comparable with those of the proposed scheme. It is not considered therefore that the impact in this regard would reasonably justify planning permission being withheld. This was also not a reason for refusal of previous applications on this site.
- 9.21. Concerns have also been raised that the vehicle movements would have an unacceptable impact on the amenity of reported occupants of an annex in the garden of no.2 Merston Close. It should be noted that no planning permission has been granted for an annex, so it is not clear from the information available whether such a use is lawful. Regardless, impacts on occupants of this have however also been considered.
- 9.22. The LPA does not therefore share the concerns raised that the increase of vehicle movements generated by just one additional dwelling within the Close would have an unacceptable impact on the entire community in terms of noise.

#### **Loss of Privacy**

- 9.23. It is considered that views from the first-floor windows of the proposed dwellings have the potential to cause some harm to the amenities of local residents by providing intrusive views into the gardens and windows of the surrounding properties. However, the development is designed to mitigate these impacts to what the LPA considers an acceptable degree.
- 9.24. The dormer window serving the master bedroom faces onto the side and corner of no.2 Merston Close, and the two are separated by ~17m, which is considered to be an acceptable distance to mitigate potential overlooking. The windows on the flank elevation of no.2 are at a distance, and an oblique angle from the proposed bedroom window, and are not considered to be unduly compromised in terms of privacy.
- 9.25. The dormer window serving Bedroom 2 would provide views across the garden and into the rear windows of no.3 Merston Close, so has been designed to be fitted with angled louvres directing views at the flank of no.2, which is not considered to be sensitive from such a distance, which is ~20m from this dormer.
- 9.26. The five rooflights in the rear roof slope, between them, serve the Master Bedroom and its ensuite, the stairwell, and Bedroom 3. The lower cill of these rooflights is at an internal height of ~1.6m and due to their angle most views would be directed upward toward the sky rather than across and downward into neighbouring gardens. This is considered to sufficiently reduce direct overlooking into neighbouring gardens. First floor windows on the closest neighbouring dwellings are at some 23m, which is considered to be sufficient distance and acceptable. There is a ground floor extension on one neighbouring dwelling which is ~6m closer, but this is still considered to be an acceptable relationship.

#### **Visual/Overbearing Impact**

- 9.27. The proposed dwelling has an eaves height of ~4.2m and ridge height is ~6.7m, and a pitched roof form. It is not considered that it would have a dominant appearance, being effectively a single storey dwelling with habitable roof-space. The gable ends would only be prominent as viewed from the ends of the gardens of nos.2 & 4 Merston Close, and it is not considered that this impact would be significant enough to justify refusal of planning permission in this instance.
- 9.28. The dwelling would be highly visible from the rear windows of no.3 Merston Close, but the distance of ~13m and the single-storey profile of the building are considered to be factors that sufficiently mitigate the impact.

### **Light Nuisance**

- 9.29. Concerns have been raised that the proposed dwelling would result in light nuisance to surrounding residents. It is not considered that the proposed development of one dwelling would lead to significant light spill to the extent that it would result in a material nuisance within this residential area, and it would not be reasonable to refuse planning permission on this basis.

### **Transport Impact**

- 9.30. The development would include a net increase of one dwellinghouse, that would include its own off-street parking. Access for this vehicle would be the same as for the existing garage associated with no.3 Merston Close, and it is not considered reasonable to object on these grounds.
- 9.31. No.3 itself would lose its garage, so there may be overspill parking onto the local highway network, which according to local residents is oversubscribed with existing vehicles. The additional impact of car(s) serving just one dwelling, however, is not considered to constitute the severe impact on highway safety mentioned in paragraph 116 of the NPPF that would justify refusal of planning permission. The Local Highway Authority has also raised no objection to the principle of the development.
- 9.32. It has been asserted in the representations received that future occupants of the new dwellings would not make use of the electric vehicle charging infrastructure and would instead own and operate petrol-driven cars. This may or may not be the case, but all new dwellings have to provide EV chargers under the requirements of the Building Regulations.

### **Cycles**

- 9.33. Occupants of each new dwelling would have access to secure cycle parking that would exceed the minimum requirement in SPD14: Parking Standards; this is considered to be acceptable and will be secured by condition.
- 9.34. The concern raised in the representations received that future occupants would not cycle is speculation and not a reason to not provide cycle parking.

### **Public Transportation**

- 9.35. The site is within walking distance of bus stops on Cowley Drive so well served by public transport.

## Standard of Accommodation - Retained Dwelling

### **Area and Layout**

- 9.36. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. This standard has been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 9.37. The existing dwelling no.3 Merston Close is laid out as a four bedroom, five bed space dwelling over three storeys. It currently provides a GIA of approximately 119m<sup>2</sup>. As a result of the demolition of the side extension and porch, the GIA of the building would be reduced to approximately 103m<sup>2</sup>; this just meets the minimum acceptable area as per the NDSS.
- 9.38. One of the existing bedrooms at first floor level has an area of only approximately 6.5m<sup>2</sup> (including a store that has not been confirmed as serving the bedroom itself). This is significantly short of the 7.5m<sup>2</sup> minimum required in the NDSS. However, this room is not being altered as part of the property development, and it is not considered reasonable to raise strong objection in this instance.

### **External Amenity Space**

- 9.39. The rear garden for no.3 is being reduced from approximately 475m<sup>2</sup> to 80m<sup>2</sup>, a loss of approximately 83%. This would have an impact on the external amenity space available to residents of the property in the context of the existing site, but the original garden was very large and the retained space would still provide acceptable space for activities such as drying clothes, relaxing and for children to play appropriate to the size of the retained dwelling. The reduction in size would not warrant a reason to refuse planning permission on that basis. It should be noted that loss of garden space has not formed a reason for refusal on either of the recent previous planning applications on this site, and this proposal is an improvement over those previous schemes.

### **Privacy**

- 9.40. The first-floor rear windows of the retained dwelling would be separated from the front bedroom window of the closest proposed dwelling by ~13m. This has the potential to cause some harm to the amenity of residents of no.3 Merston Close and was a reason for refusal of the previous application. The applicant has sought to mitigate the impact through the installation of angled louvred on the windows, to remove views directly towards no.3. It is considered that subject to the retention of these being secured by condition, the impact on the privacy of residents of the retained dwelling would be acceptable.

### **Outlook**

- 9.41. The proposed dwelling would be visible in views from the rear windows of the retained dwelling, but given the distance and its modest scale, sufficient outlook is considered to be maintained, and the LPA does not consider that the impact in this regard is unacceptable.

### **Natural Light**

- 9.42. The proposed development is not anticipated to have a significant impact on the natural light to the rear windows or garden of no.3 Merston Close given the orientation of the land; there are no concerns in this regard.

#### **Accessibility**

- 9.43. The removal of the porch would have a minor impact on access to the retained dwelling, but the original entrance appears to be retained so the suitability of the dwelling for wheelchair-users or those with a mobility-related difficulty would not be significantly impacted; the LPA does not wish to object in this instance given this relates to minor alterations to an existing dwelling.

#### **Standard of Accommodation - Proposed Dwelling**

- 9.44. The dwelling would be laid out as a three-bedroom, six-person unit over two floors, and has a 'study' at ground floor level that could be potentially utilised as a fourth bedroom, which is small but accords with the NDSS. Overall, it would provide a gross internal area (GIA) of some 130m<sup>2</sup>; this is in accordance with the NDSS, which seeks at least 115sqm for a 7-person, 4-bed unit over 2-storeys.
- 9.45. In general, it is considered that the property would provide a decent standard of accommodation. It is not ideal that Bedroom 2's outlook is reduced with angled louvres and Bedroom 3's is provided only by rooflights, however given that the main bedroom has full outlook and that the unit overall is spacious and well laid out with good levels of light and meets the NDSS, on balance this is acceptable.

#### **External Amenity Space**

- 9.46. It is considered that the garden area is of adequate size to satisfactorily serve the occupants of the new dwelling.

#### **Accessibility**

- 9.47. The new dwellinghouse will be required by condition to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

#### **Biodiversity**

##### **Biodiversity Net Gain (BNG)**

- 9.48. The application is supported by a BNG Plan, detailing how it would be achieved at the north edge of the site. The County Ecologist has been consulted and concluded that the plan is acceptable; therefore, it shall be secured and monitored through the BNG Conditions.
- 9.49. The clearance of the site prior to submission of this application has been noted, but this did not require any formal consent from the LPA. The BNG baseline has been calculated using the pre-clearance site, so a 10% gain on that will be secured, rather than the existing site which is largely empty of biodiversity/habitat.

#### **Bee & Swift Bricks**

- 9.50. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

### **Landscaping**

- 9.51. The application site was cleared of the majority of vegetation prior to the submission of the application; it is necessary to include a condition requiring the submission and approval in writing of a landscaping and biodiversity enhancement strategy to ensure that the impact to local biodiversity is successfully mitigated.

### **Arboriculture**

- 9.52. There is reportedly a single unprotected apple tree retained following site clearance; according to the Existing On-Site Habitat plan, this is in the northwest corner of the site and would not therefore be displaced by the development. This tree lies within the area earmarked for BNG and therefore should not be further impacted upon by the development. Its protection during construction can be secured via condition.

### Sustainable Drainage

- 9.53. Limited information with regards to surface and foul water drainage have been submitted with the application, but the Council's Sustainable Drainage Team are satisfied that in principle the development is acceptable. Further information shall be secured by condition, in the interest of minimising the impacts of flooding around the site.

### Sustainability

#### **Energy & Water Efficiency**

- 9.54. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a maximum of not more than 110 litres per person per day maximum indoor water consumption. This can be secured by condition.

#### **Waste & Recycling**

- 9.55. The proposed development shows an indicative location for refuse and recycling bins at the front of the site to the side of the retained dwelling; this is considered to be acceptable in principle. Providing these facilities will ease the sorting of waste generated by the dwelling, reducing the amount of waste that would be sent into landfill in accordance with the waste hierarchy contained within the National Planning Policy for Waste. Installation of these facilities prior to occupation of the dwelling can be secured by condition.

### Other Considerations

- 9.56. It has been raised as a concern in the representations received that the new dwellings would be inaccessible for the emergency services. The dwelling is

approximately 33m into the site, which would be within the reach of fire service hoses. Regardless, matters of fire safety are dealt with through Building Regulations so need not be given significant weight in the planning balance in this instance.

- 9.57. It has been asserted that local residents were inadequately consulted on the development. In accordance with the LPA's consultation processes, all properties with a shared boundary were sent a letter regarding the application. The LPA does encourage developers to communicate with local residents, but they are not under any strict requirement to do so, and this had not been weighed against the application.

#### Conclusion & Planning Balance

- 9.58. The proposed development is considered to be acceptable in principle, and in terms of appearance and the impacts it is anticipated to have on the amenities of local residents and highway safety. The disadvantages of the scheme are not considered to be significant, and can be mitigated through conditions; furthermore, they would not outweigh the benefits of the scheme which include a dwelling suitable for family accommodation, at a time when the LPA cannot demonstrate a 5 Year Housing Land Supply.
- 9.59. Planning conditions will be included in the interests of visual and residential amenity, accessibility, biodiversity and sustainability. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP14 and CP19 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM19, DM20, DM21, DM22, DM33, DM35, DM36, DM37, DM40, DM42, DM43 and DM44 of the City Plan Part Two.

## **10. EQUALITIES**

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

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £14,658.11. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.



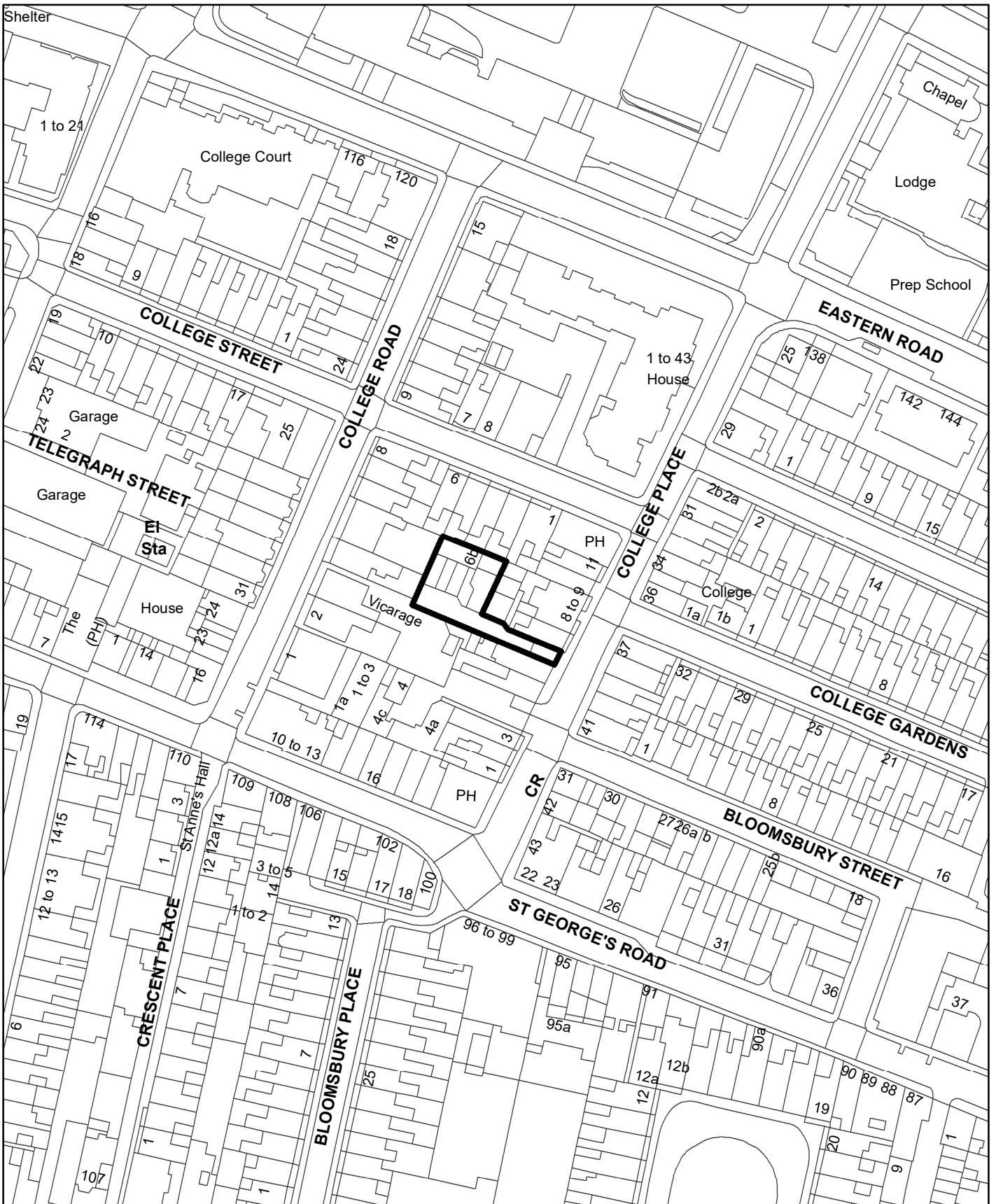
# **ITEM K**

**6B College Place  
BH2025/00268  
Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> May 2025**



# BH2025/00268 - 6B College Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2025/00268</b>	<b><u>Ward:</u></b>	<b>Kempton Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>6B College Place Brighton BN2 1HN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing office and storage buildings and the erection of 3no. new dwellinghouses (C3).</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 290585	<b><u>Valid Date:</u></b>	30.01.2025
<b><u>Con Area:</u></b>	East Cliff Conservation Area	<b><u>Expiry Date:</u></b>	27.03.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Fullers Plastering Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	AL_100		30-Jan-25
Proposed Drawing	AL_101		30-Jan-25
Proposed Drawing	AL_102		30-Jan-25
Proposed Drawing	AL_110		30-Jan-25
Proposed Drawing	AL_112		30-Jan-25
Proposed Drawing	AL_115		30-Jan-25
Location and block plan	AL_001		30-Jan-25

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

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

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

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

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

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

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18/DM20/DM26 of Brighton & Hove City Plan Part 2, and CP12/CP15 of the Brighton & Hove City Plan Part One.

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

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

7. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
8. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) Timescales for the Proposed Development including the forecasted completion date;
  - (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
  - (iv) Measures to prevent mud/dust from tracking onto the highway;
  - (v) Details of hours of construction including all associated vehicular movements
  - (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
  - (vii) A plan showing construction traffic routes

The construction of the development shall be carried out in full compliance with the approved CEMP.

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

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

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

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

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

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

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

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

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

- 14.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,



- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

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

17. Prior to first occupation of the development hereby permitted, a warning signage shall have been installed to the wall above car height at the front and back of the proposed pedestrian/vehicle shared access.

**Reason:** To reduce the risk to pedestrian safety and comply with Policy DM33 of the City Plan Part Two.

**Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

**Biodiversity Net Gain**

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

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

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

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

## **2. SITE LOCATION**

- 2.1. The application relates to a workshop, an office and storage buildings, which are all vacant, but had previously been used for over 20 years by Fullers Plastering

(manufacturing - Planning Use Class B2). They appear to be largely 20th century flat-roofed structures.

- 2.2. The site is located within a mews accessed via a narrow archway on the western side of College Place, between no.s 6 and 7, the entrance doors of which front onto the sides of the archway. It is surrounded by residential properties of three to four storeys, some of which have accommodation within converted roof spaces facilitated by both small and large box dormers, or mansards in the case of 8-9 College Place.
- 2.3. The application site is within the East Cliff Conservation Area, but not subject to an associated Article 4 direction. However, 6 and 7 College Place at the entrance to the site are Grade II listed buildings. The site is also within Controlled Parking Zone (CPZ) H.

### 3. RELEVANT HISTORY

- 3.1. **BH2023/01659:** Demolition of existing garage, storage and workshop buildings and erection of terrace of 3no. residential units (C3) and an office unit (E). Refused 23.10.2023. Refused by the LPA for the following reason:  
*“1. The proposed development, by reason of its height and positioning close to the rear boundary of the site, would result in the enclosure of the rear of the properties on Clarendon Place and would cause a loss of privacy to rear windows as well as a potential loss of sunlight and daylight. The proposed development would also result in unacceptable overlooking of the garden area of the property to the south of the site. The works would fail to protect the residential amenity of neighbouring occupiers which would conflict with the objective of policy DM20 of the Brighton and Hove City Plan Part 2.”*
- 3.2. Dismissed at appeal 11 September 2024.
- 3.3. **BH2022/03694** Demolition of existing garage, storage and workshop buildings and erection of terrace of 3no. residential units (C3) and an office unit (E). Withdrawn 27 January 2023.

### 4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the demolition of the existing garage, storage and workshop buildings and the erection of a terrace of three residential units (Use Class C3) all of two storeys in height.
- 4.2. The key differences between the current application and the 2023 refused application include:
  - Removal of the small office floor space previously to be provided within one of the new buildings
  - Reduction in overall height of the development by 900mm through excavation of the plot and a reduction of floor to ceiling heights internally

- Reduced massing at the rear of the terrace by recessing the rear building line of the middle dwelling as well as recessing the first floor level

## 5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from six (6) individuals, **objecting** to the application and raising the following issues:
- Impact on the easement/right of way
  - Location of the bins
  - Impact on noise and disturbance during construction
  - Impact on dust and pollution during construction
  - Loss of privacy
  - Loss of light
  - Loss of outlook
  - Overdevelopment
  - Loss of privacy
  - Lack of information regarding biodiversity and any net gain
  - Impact on trees and planting/ wildlife
- 5.2. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No Objection subject to Conditions  
The information provided is satisfactory to determine that the development can be made acceptable in relation to the impacts on heritage provided the conditions relating to materials are imposed.
- 6.2. **Environmental Health:** Comments from previous application  
Approval subject to a contaminated land condition and an asbestos informative.
- 6.3. **Economic Development:** No Comment
- 6.4. **Planning Policy:** No Objection  
No in-principle objection to the proposed development, subject to further planning considerations and balance.
- 6.5. **Sustainable Transport:** Comments from previous application  
Acceptable, subject to conditions about signage (and lighting if appropriate), a refuse and recycling strategy and a cycle parking scheme

### External:

- 6.6. **Southern Water:** 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; 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)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Planning for Sustainable Economic Development

CP3 Employment Land

CP8 Sustainable buildings

CP10 Biodiversity

CP12 Urban design

CP15 Heritage

CP19 Housing mix

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

DM1 Housing Quality, Choice and Mix

DM11 New Business Floorspace

DM18 High quality design and places

DM19 Maximising Development Potential

DM20 Protection of Amenity

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

DM33 Safe, Sustainable and Active Travel

DM37 Green Infrastructure and Nature Conservation

DM40 Protection of the Environment and Health - Pollution and Nuisance

DM41 Polluted sites, hazardous substances & land stability

DM43 Sustainable Urban Drainage

DM44 Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SSPD14	Parking Standards
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, density, design, impact on heritage assets, neighbouring amenity, highways, the proposed standard of accommodation, land contamination, sustainability and biodiversity matters.

### Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. Changes to national planning policy in December 2024 mean that the local housing need figure for Brighton & Hove using the standard method is now 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position, measured against the total supply identified in the 2023 SHLAA Update of 3,879, shows a five-year housing supply shortfall of 11,109. This is equivalent to 1.3 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The application site is a single business unit which consists of a row of 3 garages converted into storage units and office workshop spaces with trade yard and gated front. The existing premises has been vacant since November 2021.
- 9.6. The proposal would result in the loss of 120m<sup>2</sup> of premises and open space storage in B2 use - General Industrial garaging, storage, office and workshop. CPP1 Policy CP3.5 states that loss of unallocated sites or premises in employment use will only be permitted where the site can be demonstrated to be redundant. Whilst no marketing information has been provided with the current application, the previous history and appeal decision is considered to be given significant weight. The 2023 application, whilst refused, raised no objection to the loss of the existing B2 use. Furthermore, the Planning Inspector raised no concerns in relation to this principle and referred to the site as heavily constrained by surrounding residential properties, limiting its development

potential as well as noting that the replacement of the industrial use at the site has significant benefits.

- 9.7. The 2023 proposal however did include a small provision of 38m<sup>2</sup> of Class E (g) office space. This has not been included in the current application. The submitted planning statement does not make reference to the loss of the office space from the previous proposal. It is considered that the constraints of the site which make the site unsuitable for B2 usage, would also likely make it inappropriate for B8 usage and is likely to have some impact on the desirability of the location of for a Class E(g) office. In this instance, the loss of this office space, given the size and other benefits of the scheme, such as providing additional housing, no objections are therefore raised.
- 9.8. The provision of three dwellings at the site is therefore given increased weight and makes an important, albeit minor, contribution to the city's housing land supply.

**Design and Heritage:**

- 9.9. 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.
- 9.10. 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".
- 9.11. The site is accessed via a narrow archway from College Place. The Heritage team have confirmed that the site has little historical significance and raise no objection to the demolition of the existing buildings. At two storeys in height, the new buildings would be lower in height than the surrounding building heights which is supported. The structures would have due subservience to the principal buildings with road frontage which is considered to be the correct design approach for such a site.
- 9.12. The modern design of the dwellings is considered acceptable, subject to the use of high quality materials appropriate for use within a conservation area setting. The development, whilst being within the setting of the listed buildings in College Place, would be separate and distinct and have the necessary subservience to the historic townscape. There is no demonstrable harm to the setting of these listed buildings. The development would have a limited impact on the wider East Cliff Conservation Area given that there are very restricted views into the site from the public highway.

**Proposed Standard of Accommodation:**

- 9.13. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standard has been formally adopted into the CPP1 Policy DM1 and therefore they can be given full weight.
- 9.14. Plots 1 and 3 would comprise ground floor living space, with two double bedrooms and a bathroom at first floor level. The units would measure approximately 78m<sup>2</sup>. As the units include two double bedrooms, the units would be considered as a 2 bed 4 person unit, the minimum space standard for which is 79m<sup>2</sup>. The minimal shortfall is acknowledged and is accepted on this occasion given the constraints of the site. Furthermore, the general layout and room sizes would all be adequate and would be able to provide a suitable standard of accommodation. At ground floor level, the units also benefit from a south facing patio, and a rear courtyard including cycle storage.
- 9.15. Plot 2 would have a similar layout as the other two dwellings, however would only have one double bedroom at first floor. It would measure approximately 65.5m<sup>2</sup>, and therefore exceeds the standard of a 1 bed 2 person unit which should have a minimum floor area of 58m<sup>2</sup>. It would also have a rear courtyard with cycle store.
- 9.16. All three units would have dual aspect at ground floor to provide natural light and ventilation from the north and south. All rooms would have good levels of light and outlook.
- 9.17. It is noted that the residents will also benefit from being in a sustainable location, within easy walking distance of the amenities of Kempton, and public spaces such as the seafront just 250 metres to the south.
- 9.18. On balance, and having regard to the physical constraints of the site, it is considered the development would, on-balance, deliver a satisfactory standard of residential accommodation.

**Impact on Neighbouring Amenity:**

- 9.19. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.20. The main properties that would be affected by the proposed development would be 1-2, 3, 4, 5 and 6 Clarendon Place to the north, 7 and 8-9 College Place to the east and 4, 4B, 5 College Road to the west. The previous application was refused solely on amenity grounds due to the height and positioning of the development and its impact on nos. 1-6 Clarendon Place in terms of enclosure, loss of privacy and loss of sunlight and daylight. The reason also identified a harmful impact to the south, particularly with reference to No. 3 College Road, in terms of overlooking and loss of privacy to the rear garden of this neighbouring property.



- 9.21. The Inspector largely agreed with the Council's reason for refusal. During the appeal process the applicant provided a Sunlight and Daylight study for the previously proposed development (which was taller and larger at the rear than the current proposal) and both the Inspector and the Council accepted the findings of the study. It was therefore concluded that the proposal as previously proposed would not impinge on the sunlight and daylight of the properties to the rear of the site.
- 9.22. As the height of the current development has been reduced as well as some of the massing to the rear, it is also concluded that the development would not affect the sunlight or daylight of these adjoining properties to the north.
- 9.23. The previous application acknowledged that the existing rear boundary is already a very high wall which has some enclosing and overbearing impacts on the properties to the north. The current proposal ensures that the proposed dwellings would only protrude an additional 0.7m above this wall. The first floor level of the proposed dwellings would also be set further away from the shared boundary than the previous proposal, with the centrally positioned dwelling being substantially pulled back from the rear building line of the development. The separation distances of the first floor levels are as follows;
- 9.24. Plot 1 would have a minimum distance of 2.8m, plot 2 would have a minimum distance of 5.4m and plot 3 would have a minimum distance of 2.9m.
- 9.25. The previous proposal set the minimum distance as being approximately 2.5m from the shared boundary.
- 9.26. The lowered height and increased separation distances of the proposal has substantially removed the enclosing impact previously identified. The development would not be overly visible from above the boundary wall, particularly when viewed from the ground floor levels or garden levels of these neighbouring properties.
- 9.27. The first floor rear windows have been positioned below the boundary wall level and as such would not lead to any loss of privacy or overlooking.
- 9.28. It is therefore considered that the previous concerns relating to the impact on the properties to the north have been satisfactorily addressed.
- 9.29. In regard to the impact on the properties east and west of the proposed development site, no significant impact was previously identified. The distance to the properties to the west would be approximately 14 metres and approximately 11 metres to the property to the east. The previous application identified that these properties would experience some loss of outlook given that a two-storey wall would rise on the boundary, nevertheless given the separation distances involved and the fact no windows are proposed for the side elevations of the development, the proposal is not considered to be excessively unneighbourly or overbearing on the occupiers to the east and west. The tight urban grain in which the site is located means the relationship to the properties in College Place to the east and College Road to the west is considered

acceptable in this instance. Furthermore any of the impacts identified have been further reduced due to the lowered height of the development.

- 9.30. In regard to the front elevation facing south, in refusing the previous application the overlooking of the garden at No. 3 College Road was included as an unacceptable impact. The Inspector however did not agree with the council in this regard, stating that:

*“The front bedroom of unit 1 would increase overlooking into the garden of this property. However, this is a particularly large garden on context of this location and there is already screening from a mature tree. On balance the adverse effect would not be sufficient in itself to warrant dismissal of the appeal.”*

- 9.31. The Inspector’s findings are therefore given significant weight and as such the impact on No. 3 College Road is no longer considered to be significant to warrant refusal.

- 9.32. Representation has been made on the application regarding noise and disturbance. It is not considered that the development would cause a significant impact in this regard. It is generally considered that the levels of activity associated with the proposal would be less than those associated with the previous use. In addition there is provision under the Environmental Protection Act should complaints arise in the future.

- 9.33. Overall, it is considered the proposal would not have a significant impact on neighbouring amenity.

**Impact on Highways:**

- 9.34. The site is considered to be in a sustainable location close to local shops and services with bus stops served by several routes, including to Brighton train station.

- 9.35. The application does not include car parking spaces. The erection of 3 residential units and the loss of 2 existing parking spaces would mean that there may be parking overspill onto the highway, but the Highways Team have not objected to the proposal. This site is located inside a Controlled Parking Zone (CPZ) H and the Highway Team have stated CPZ H appears to have capacity to accommodate the likely parking demand associated with this development.

- 9.36. The applicant is proposing 2 cycle parking spaces per unit. Parking Standards SPD14 requires a minimum of 1 cycle parking space for 1 - 2 bedroom dwellings. Although space is shown to the rear of the site, this is not considered a convenient location, therefore further details regarding cycle parking via condition would be required to be in line with Policy DM33 of the City Plan.

- 9.37. The plans indicate refuse and recycling bins in front of each residential unit. The refuse and recycling scheme in this area operate via communal bins located at the junction of College Place with St James Street. The previous application raised concerns regarding the distance of the communal bins from the proposed development. A strategy to address this will therefore be secured by condition.

9.38. A condition will also be attached to require that the applicant display a sign at the front entrance of the site to alert motorists that pedestrians/cyclists may be present. This access has been historically shared by vehicles/pedestrians and cyclists however it is only slightly wider than a car and therefore the sign is required for pedestrian safety.

9.39. The Transport Officer has also raised concerns that the access, due to the constrained width would have limited space for a fire tender vehicle to access the new development. The applicant is advised that a fire main valve at the site boundary should be provided. This would be required under building regulations.

**Sustainability:**

9.40. Energy and water efficiency measures in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

**Biodiversity and landscaping:**

9.41. Conditions requiring at least one bee brick and four swift bricks/boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9.42. The development would include a chalk grassland roof. Some landscaping detail has been included on the plans. Further information will be requested by condition, as soft landscaping is encouraged to contribute to the visual character of the development as well as ecological improvements to the site.

**Land Contamination:**

9.43. Due to previous uses on site, the Environmental Health Team have requested a condition in relation to potential land contamination.

**Other Matters**

9.44. Representations have been made regarding rights of way across the site. This has not been fully explained, however this is a private matter between the parties concerned, beyond the planning process. The applicant has signed Certificate A on the application form declaring sole ownership over the land to which the application relates.

**Biodiversity Net Gain**

9.45. 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.

**Conclusion and Planning Balance**

9.46. The scheme is considered to have overcome the reasons that the Inspector dismissed the appeal against the refusal of the 2023 application so is now acceptable in terms of its impact on neighbouring amenity. It is also considered to be of acceptable design with minimal impact on the surrounding area given its location to the rear of the main buildings, accessed via a narrow mews. The standard of accommodation is acceptable and sufficient cycle parking would be

secured by condition. Finally, the provision of three additional dwellings must be given increased weight in the planning balance, so approval is recommended.

## **10. EQUALITIES**

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.

- 10.1. 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.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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

# PLANNING COMMITTEE

## Agenda Item 91 Brighton & Hove City Council

### NEW APPEALS RECEIVED 06/03/2025 - 02/04/2025

#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **PATCHAM & HOLLINGBURY**

BH2024/02476

Annexe 1A Warmdene Way Brighton BN1 8NW

Certificate of lawfulness for existing use of detached building as a separate dwellinghouse (Class C3).

APPEAL IN PROGRESS

25/03/2025

Delegated

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **PRESTON PARK**

BH2024/02864

71 Preston Drove Brighton BN1 6LD

Erection of a goal post awning to customer terrace at the front of The Park View public house (retrospective).

APPEAL IN PROGRESS

01/04/2025

Delegated

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **SOUTH PORTSLADE**

BH2025/00048

22 Carlton Terrace Portslade BN41 1XF

Display of 1no internally illuminated digital LED screen.

APPEAL IN PROGRESS

25/03/2025

Delegated

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#### WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

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

BH2024/01708

23 Portland Street Brighton BN1 1RN

Change of use from single dwelling house (C3) to dual use as single dwelling house (C3) or small house in multiple occupation (C4) (retrospective).

APPEAL IN PROGRESS

13/03/2025

Delegated

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# PLANNING COMMITTEE

## Agenda Item 93

Brighton & Hove City  
Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 19/03/2025 AND 22/04/2025

<b><u>WARD</u></b>	<b>BRUNSWICK &amp; ADELAIDE</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00069
<b><u>ADDRESS</u></b>	Flat 2 121 Lansdowne Place Hove BN3 1FP
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Replacement of existing timber framed single glazed windows with uPVC double-glazed windows.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2023/02565
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>CENTRAL HOVE</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00085
<b><u>ADDRESS</u></b>	Flat 2 83 - 85 St Aubyns Hove BN3 2TL
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of part one, part two storey rear extension with rooflights; insertion of 3no sash windows to the south elevation; landscaping works, provision of wall and fencing to the eastern boundary, and associated works.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL ALLOWED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2024/00455
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>HOLLINGDEAN &amp; FIVEWAYS</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2025/00009
<b><u>ADDRESS</u></b>	17 Havelock Road Brighton BN1 6GL
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Replace 4 front windows with sliding sash double glazed units.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2024/01735
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

<b><u>WARD</u></b>	<b>KEMPTOWN</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00063
<b><u>ADDRESS</u></b>	13B Chichester Terrace Brighton BN2 1FG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Sub-division of existing basement flat (C3) to create an additional flat (C3) with associated alterations.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2023/03215
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>KEMPTOWN</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00064
<b><u>ADDRESS</u></b>	13B Chichester Terrace Brighton BN2 1FG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Internal alterations and alterations to central courtyard area to facilitate sub-division of existing basement flat (C3) to create an additional flat (C3).
<b><u>APPEAL TYPE</u></b>	Listed Building-non determination
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2023/03216
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned
<b><u>WARD</u></b>	<b>PATCHAM &amp; HOLLINGBURY</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2025/00023
<b><u>ADDRESS</u></b>	249 Carden Avenue Brighton BN1 8LN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Creation of vehicle crossover to front
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2024/01767
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2024/00065
<b><u>ADDRESS</u></b>	Flat 9 Panorama House 1D Vale Road Portslade BN41 1BA
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of Unit 9 to office (E). Installation of new obscure glazed windows.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2024/00772



APPLICATION DECISION LEVEL

Delegated

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**WARD****WESTBOURNE & POETS' CORNER**APPEAL APPLICATION NUMBER

APL2024/00068

ADDRESS

145 - 151 Kingsway Hove BN3 4GR

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2023/02311

APPLICATION DECISION LEVEL

Delegated

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**WARD****WESTDENE & HOVE PARK**APPEAL APPLICATION NUMBER

APL2025/00021

ADDRESS

76 Eldred Avenue Brighton BN1 5EH

DEVELOPMENT DESCRIPTION

Erection of new roof with hip to gable to front and rear, raised ridgeline, side dormer and rooflight and solar array. Installation of new roof to front porch.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2024/02095

APPLICATION DECISION LEVELDelegated

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