





**Brighton & Hove  
City Council**

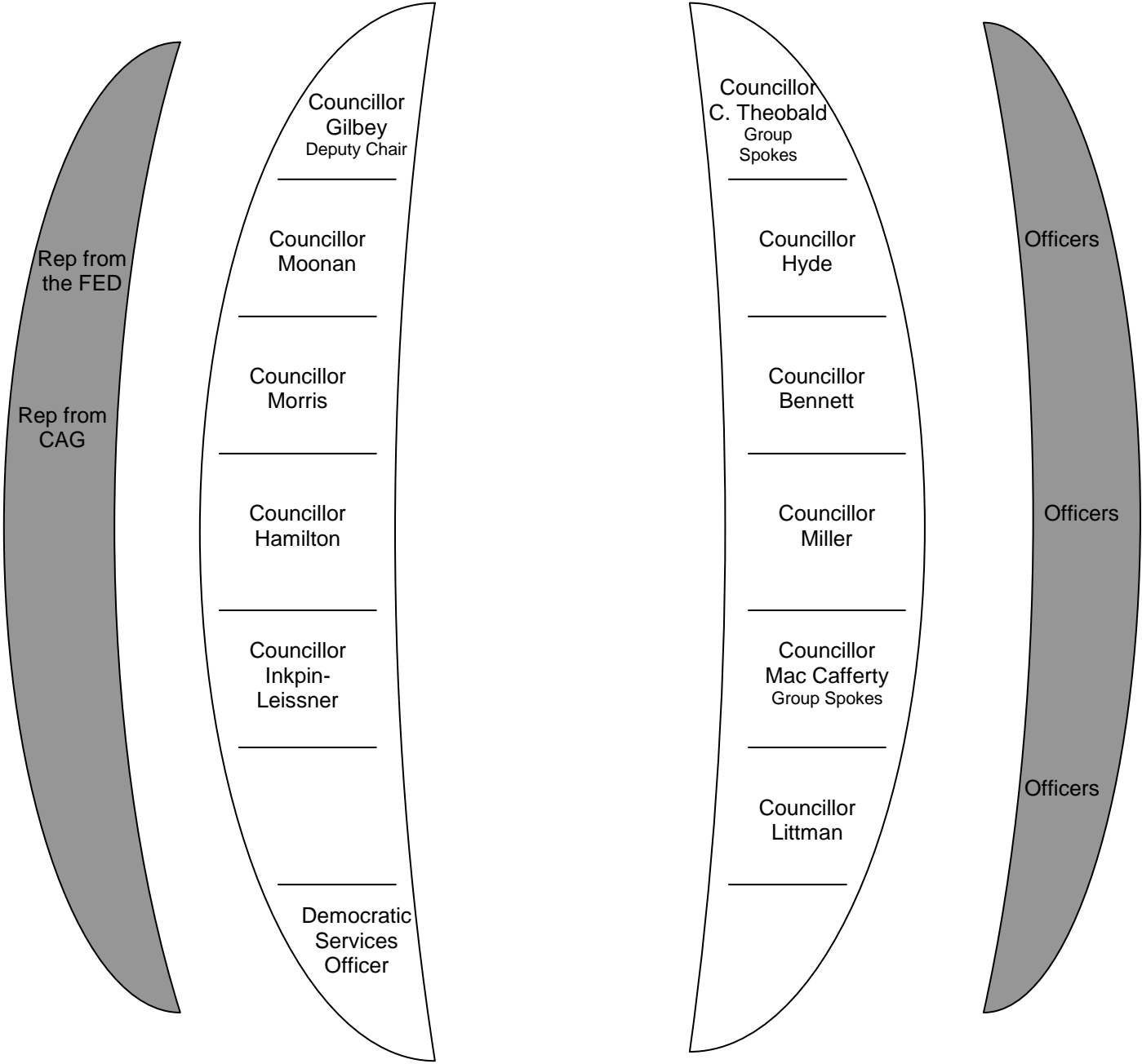
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>13 July 2016</b>
Time:	<b>2.00pm</b>
Venue	<b>The Ronuk Hall, Portslade Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Hamilton, Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morris and Moonan</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Cliona May</b> Democratic Services Officer 01273 29-1064/29-1354 planning.committee@brighton-hove.gov.uk</p>

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and 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.
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

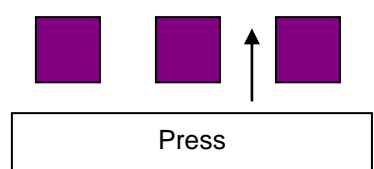
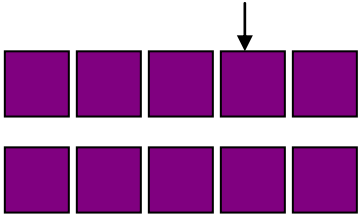
# Democratic Services: Planning Committee

Senior Solicitor	Councillor Cattell Chair	Head of Development Control	Presenting Officer
------------------	-----------------------------	-----------------------------	--------------------



Public Speaker	Public Speaker
----------------	----------------

Public Seating



## AGENDA

### 13 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.*

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

## PLANNING COMMITTEE

### 14 MINUTES OF THE PREVIOUS MEETING 1 - 18

Minutes of the meeting held on 8 June 2016 (copy attached).

### 15 CHAIR'S COMMUNICATIONS

### 16 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 6 July 2016.

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

### 18 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS 19 - 30

*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.*

## MAJOR APPLICATIONS

### A BH2015/04577 - 78 West Street & 7-8 Middle Street, Brighton - Full Planning 31 - 62

Demolition of existing nightclub buildings (Sui Generis use). Construction of part 5, 6 and 7 storey building plus basement to provide 'A' uses (A1 retail, A2 financial & professional services, A3 restaurant/café, A4 drinking establishment) on part of basement and ground floor fronting West Street and hotel use (C1) on all floors with reception fronting Middle Street to provide a total of 133no hotel rooms.

#### **RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Regency*

### B BH2015/04575 - 8-12A South Street & 79-81 West Street, Brighton - Full Planning 63 - 96

Demolition of garage / storage buildings at 8 - 12a South Street and two storey rear wing at 81 West Street. Construction of part 3, 4, 5 and 6 storey plus basement buildings to provide 91 hotel rooms (C1 use comprising 69 standard rooms, and 22 micro rooms), new ground floor kitchen and refuse store to 81 West Street and provision of 3no two bedroom flats and 1no one bedroom flat (C3 use) fronting South Street. Demolition and extension of roof level structure at 79 West Street to provide 11no additional backpacker hostel rooms (Sui Generis). Enclosure of external stairs. Reinstatement of public footpath in South Street.

## PLANNING COMMITTEE

### RECOMMENDATION – MINDED TO GRANT

*Ward Affected: Regency*

### MINOR APPLICATIONS

- C BH2015/01745 - 107 Marine Drive, Rottingdean - Full Planning 97 - 120**
- Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.
- RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Rottingdean Coastal*
- D BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning 121 - 142**
- Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.
- RECOMMENDATION – REFUSE**  
*Ward Affected: Goldsmid*
- E BH2016/00302 - 107 Freshfield Road, Brighton - Full Planning 143 - 150**
- Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)
- RECOMMENDATION – GRANT**  
*Ward Affected: Queen's Park*
- F BH2016/01318 - Pembroke Hotel, 2 Third Avenue, Hove - Full Planning 151 - 166**
- Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.
- RECOMMENDATION – GRANT**  
*Ward Affected: Central Hove*
- G BH2016/01319 - Pembroke Hotel, 2 Third Avenue, Hove - Listed Building Consent 167 - 180**
- Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other

## PLANNING COMMITTEE

associated internal and external alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: Central Hove*

**H BH2016/01392 - 14 Woodland Drive, Hove - Full Planning 181 - 196**

Erection of three bedroom residential dwelling with parking and associated works

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

**I BH2016/01558 - 16 Port Hall Street, Brighton - Householder Planning Consent 197 - 204**

Erection of two storey rear extension with associated alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: Preston Park*

**J BH2016/00015 - 51 Westbourne Villas, Hove - Householder Planning Consent 205 - 214**

Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.

**RECOMMENDATION – GRANT**

*Ward Affected: Westbourne*

**K BH2015/04378 - Land rear of 28-30 Longhill Road, Brighton - Full Planning 215 - 236**

Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings.

**RECOMMENDATION – GRANT**

*Ward Affected: Rottingdean Coastal*

**L BH2016/00156 - Clermont Church, Clermont Terrace, Brighton - Full Planning 237 - 256**

Change of use from church (D1) to 1no three bedroom flat, 3 no two bedroom flats and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations.

**MINDED TO GRANT**

*Ward Affected: Preston Park*

## PLANNING COMMITTEE

- 19 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

### INFORMATION ITEMS

- 20 **INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 257 - 258  
(copy attached).
- 21 **LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** 259 - 302  
(copy attached)
- 22 **LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 303 - 308  
(copy attached).
- 23 **INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 309 - 310  
(copy attached).
- 24 **APPEAL DECISIONS** 311 - 410  
(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/index.cfm?request=c1199915>

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 fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through [www.moderngov.co.uk](http://www.moderngov.co.uk)

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on

## PLANNING COMMITTEE

disc, or translated into any other language as requested.

### **WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1064/29-1354, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 5 July 2016



**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 8 JUNE 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris

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

**Officers in attendance:** Nicola Hurley (Planning Manager - Applications), Adrian Smith (Principle Planning Officer), Paul Vidler (Planning Manager – Major Planning Applications), Steven Shaw (Development and Transport Assessment Manager), Hilary Woodward (Senior Solicitor), Ross Keatley (Democratic Services Manager) and Cliona May (Democratic Services Officer).

**PART ONE****1 PROCEDURAL BUSINESS****(a) Declarations of substitutes**

1.1 There were no declarations of substitutes.

**(b) Declarations of interests**

1.2 Councillor Mac Cafferty declared a personal interest in respect of Application F) BH2015/04277, 37 Lewes Road, Brighton as he knew the objector; he stated that he would withdraw from the meeting during the consideration and vote on this application.

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

1.3 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.

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

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

- 1.5 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'.

**2 MINUTES OF THE PREVIOUS MEETING**

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 11 May 2016 as a correct record.

**3 CHAIR'S COMMUNICATIONS**

- 3.1 The Chair welcomed and introduced new Members to the Committee; Councillor Hyde and Councillor Moonan.

**4 PUBLIC QUESTIONS**

- 4.1 There were none.

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

- 4.1 There were no further requests for site visits in relation to matters listed on the agenda.

**6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2016/00403 - 251-253 Preston Road, Brighton - Full Planning Permission**

Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.

**Officer Introduction**

- 1) The Principle Planning Officer (Adrian Smith) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters on the late list. Planning permission had previously been refused due to the size of the extension proposed and the positioning of the buildings to the rear within the conservation area; this scheme sought to address these reasons for refusal. The application sought permission to convert the two Victorian villas to form 22 one, two and three bedroom flats, including the demolition of the existing link building and the erection of a new three storey link building and six houses to the rear of the site. The buildings were currently vacant having previously been in use by the Children's Services team and the site fell within the Preston Park Conservation Area.

- 2) Tree Preservation Orders (TPOs) were in effect for 27 of the 95 trees on the site, and four of the 27 with orders were to be felled. The application included a detailed landscaping plan with ecological mitigation and there would be parking for 30 vehicles. In relation to affordable housing this would make up 40% of the units on site, with eight units being affordable rent and three intermediate housing. The principle issues related to the heritage aspects and the scale of the link building; the revised massing and design represented a significant improvement from the previous proposals. Whilst it was still considered there would be some harm caused to the conservation area this was considered less than substantial and outweighed by the benefits of the scheme. The application was minded to grant for the reasons set out in the report, subject to a s106 agreement.

### **Questions for Officers**

- 3) In response to Councillor Mac Cafferty, the Officer clarified that there would be a mix of silver birch, fruit and lime trees planted in the garden. It was also clarified that the surviving part of the historic wall would be retained; the proposal to alter it for public access had not formed part of the scheme as it was not considered appropriate..
- 4) In response to Councillor C. Theobald, it was explained that there were 30 car parking spaces in total and four of these were disabled access. One disabled bay was situated directly opposite the exit of the building and the other bays were to the North and South side of the car park.
- 5) It was clarified to Mr Gowans, CAG representative, that there were footpaths through the communal gardens and that no vehicles would be permitted to use these.
- 6) In response to Councillor Littman, the Officer explained that a number of trees had been protected by the TPO which had been introduced for many trees along Preston Road since 1978.

### **Debate and Decision Making Process**

- 7) Councillor C. Theobald noted that the scheme was much improved since the previous application; however, she was disappointed that the roof would not be grey slate and match the neighbouring properties. Councillor C. Theobald stated that overall she was happy with the application.
- 8) Councillor Inkipin-Leissner stated that he disagreed with Councillor C. Theobald and explained that he felt the contrast between the neighbouring properties was not appropriate and it was out of style for the building; however, he added that he would be supporting the application as the rest of the scheme was much improved.
- 9) Councillor Mac Cafferty stated that he had voted to grant the previous application at the site, he would be supporting the Officer recommendation. He appreciated the applicant had responded to the previous reasons for refusal and he thought the landscaping would be a benefit.

- 10) Councillor Miller believed the application had been significantly improved and would enhance the historic elements. He stated that he would be supporting the Officer recommendation.
- 11) Councillor Littman stated that he believed it was a considerable improvement from the previous application and an improvement on what was currently in the area. He added that he understood Councillor Inkin-Leissner’s argument in relation to the contrast but that he would be supporting the Officer recommendation.
- 12) Councillor Gilbey explained that she was pleased the flint wall was being saved and hoped it would be protected in the future. The Officer clarified that it would.
- 13) The Chair stated that she was pleased the applicant had worked with the Officers to improve the application; she welcomed the affordable housing and that she would be supporting the Officer recommendation.
- 14) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.

6.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

**B BH2015/04474 - Units 1-6 Longley Industrial Estate, New England Street, Brighton - Full Planning Permission**

Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications (Paul Vidler) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a change of use from light industrial units to office space and the installation of new mezzanine floors. The application sought approval to make changes to the exterior of the existing building with the addition of a new entrance and cladding the front of the building. The building would become four levels, double the floor space and would increase the potential employment numbers from 50 to 500. There would be disabled parking spaces at the front of the building and soft landscaping to the sides and at the rear of the building. The site was located in Development Area 4 of the recently adopted City Plan Part 1 and the site had been allocated for a mixed use development; however, the application proposed all commercial use. It was explained that it was recognised that there was an acute need for new residential development; however, the site only been identified for 10 residential units and other sites in the Development Area 4 had been identified to accommodate higher residential numbers. The application was recommended to be minded to grant as it provided significantly uplifted office space in the area.

**Questions for Officers**

- 2) In response to Councillor Barradell it was clarified that the security fence proposed would be two metres high and around the parking area. The Officer clarified to Councillor C. Theobald that the fence would be made from a metal with an open mesh.
- 3) The Development and Transport Assessment Manager explained to Councillor Barradell that it was unlikely the development would need to fund mitigation measures in relation to traffic flow on New England Street as the proposals were only for two disabled parking bays. It was added that the Committee were so minded they could require that a keep clear box outside the premises be installed.
- 4) The Planning Manager explained to Councillor Morris that the office space could be subdivided for smaller businesses to use.
- 5) In response Councillor Miller it was explained that five sites had been identified in the City Plan Part 1 for mixed use commercial and residential schemes with 10 residential units identified for this site. It was added that the application was for a change of use rather than a new building and Officers were of the view that the were the application for redevelopment then they would expect to see a mixed use scheme. In response to Councillor Barradell, the Planning Manager explained that 165 residential units needed to be developed over the five sites.
- 6) In response to Councillor Moonan it was clarified none of the other sites identified for residential units in the area were currently under development.
- 7) It was explained to Councillor Mac Cafferty that were a scheme to come forward for full redevelopment of the site there would be an expectation that such a scheme should include residential elements in line with policy. It was also explained that there were no plans to extend the 'greenway' that had been developed on New England Street that was near to completion.
- 8) In response to Councillor Inkpin-Leissner, the Development and Transport Assessment Manager explained that there were no plans to provide parking spaces for staff at the site in local public car parks such as London Road. There would be an expectation for the scheme to come forward with a sustainable transport plan. It was also explained that it was unlikely that staff would be competing with residents as the staff would not be able to park in permit holders bays, only the pay and display bays or nearby car parks.

**Debate and Decision Making Process**

- 9) Councillor Littman noted that there was a greater need for housing rather than office space in the city and stated that he was likely to not support the Officer recommendation as the application did not comply with policy in the City Plan Part 1.
- 10) Councillor Barradell stated that she believed it was a visual improvement on the current site and was pleased that the property would be used for something useful.

She stated that she would support the Officer recommendation if there could be improvements to the traffic flow issues in the area.

- 11) Councillor Miller stated that he agreed with Councillor Barradell and believed it was a visual improvement. He expressed concern that the materials would be agreed at a later point and with the lack of parking. Councillor Miller noted that despite the property being a visual improvement, he would not be supporting the Officer recommendation as the site did not comply with policy in the City Plan Part 1.
- 12) Councillor Mac Cafferty agreed with Councillor Littman and expressed concern that the site was a missed opportunity and could have been used for housing. He also noted concerns that the materials had not been detailed and that there was no information on where the greenwall would be located. Councillor Mac Cafferty stated that he would likely not support the Officer recommendation.
- 13) Councillor Inkpin-Leissner stated that there wasn't a demand for office space in the city and that there was a demand for housing. He explained that he would not be supporting the Officer recommendation due to the existing parking problems in the area; the traffic issues and the additional pollution it could create.
- 14) Councillor Morris stated that he was pleased that jobs are being created and noted that more jobs were needed in the city. He expressed concerns that: the office space being created would be for large businesses rather than smaller; the proposed property would not help the shortage of housing in the city and the current traffic problems would be exacerbated. Councillor Morris added that he was undecided if he would support the Officer recommendation.
- 15) Councillor C. Theobald noted that additional housing was needed in the city; however, there had already been a lot of new residential properties built in this area. She explained that it was a visual improvement and as it was in the centre of the city, it had good transport links to it; therefore, she stated that she would be supporting the Officer recommendation.
- 16) Councillor Hyde stated that she would be supporting the application because: there were other opportunities for housing in the area; there was a requirement for office space in the city; the space was flexible for small and large offices; it would offer new jobs; it was a vast visual improvement from the current property. She added that she had noted the traffic problems and would support a condition to include a keep clear box.
- 17) Councillor Moonan noted that the scheme was a visual improvement; however, was concerned by the lack of housing in the scheme.
- 18) A vote was taken by the Committee on the Officer recommendation that the Committee be minded to grant permission and this was not carried on a vote of 4 in support with 5 against and 3 abstentions. Councillor Miller proposed reasons for refusal and these were seconded by Councillor Inkpin-Leissner, a short adjournment was then held to allow the Chair, Councillor Miller, Councillor Inkpin-Leissner; the Planning Manager – Applications and the Senior Solicitor to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put

forward. A recorded vote was then held and Councillors: Gilbey, Barradell, Inkpin-Leissner, Littman, Miller and Moonan voted that permission be refused; Councillors: Cattell, Theobald, Bennett and Hyde voted that permission not be refused; and Councillors: Mac Cafferty and Morris abstained.

- 19) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed development does not represent a mixed use development of the site as identified in policy DA4 C.1. of the Brighton & Hove City Plan Part 1 by its failure to provide housing and so contribute to the 165 units identified in the policy.

Reason 2

The Applicant has failed to demonstrate that the traffic generated by the proposed development can be accommodated within the constraints of the existing road network contrary to policy CP9 of the Brighton & Hove City Plan Part 1.

Reason 3

The provision of two disabled spaces on the site is lower than the standards set out in SPGBH4: Parking Standards and is therefore considered unacceptable and contrary to policy TR18 of the Brighton & Hove Local Plan 2005 and policy CP9 of the Brighton & Hove City Plan Part 1.

**C BH2015/03868 - 39-41 Withdean Road, Brighton - Full Planning Permission**

Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Introduction**

- 2) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that the application was for an amendment from the permission granted on April 2014. The application sought permission for an extension of the stairway to a new 'gloriette' timber structure and new terrace area on the top of the main flat roof of Unit 2. The three houses on the site had been constructed and the application was for the centre house. Unit 1 had permission granted for an extended stairway, gloriette and roof terrace. A condition had been recommended to restrict the use of the outside space on the roof. The gloriette and stairway would be in the centre of the roof and would be less visible from the street and would not make a significant impact on the neighbours and adjoining properties. The conditions from the previous application would be added to the new planning permission if granted by the Committee as the

variation would result in the granting of a new planning permission. The application was recommended to grant for the reasons set out in the report.

### **Public Speaker(s) and Questions**

- 3) Mr Ronnie Smith spoke in objection to the application in his capacity as a local resident. He explained to the Committee that the development would not be identical to Unit 1, as Unit 1 had a gloriette that was less visible from key views around the site. The gloriette and extended stairway would make the property significantly higher and would overlook the neighbouring properties. He was of the view that the Committee should have viewed the site from the neighbouring properties gardens, as part of their site visit, and disagreed with the Planning Officer's view that there was ample screening. There would be significant noise and disruption for the neighbouring residents when the work was taking place if the application was agreed, and the application was a means to add an additional floor to the property by stealth. He also expressed concern with the manner in which the neighbour consultation had been conducted.
- 4) In response to Councillor Barradell, Mr Smith stated that he lived in the property behind Unit 2, and he was of the belief that the terrace area would overlook into his garden and property.
- 5) In response to Councillor Miller, it was explained that he could not see the gloriette and terrace area on Unit 1.
- 6) In response to Councillor Theobald the Planning Manager – Major Planning Applications showed the Committee photos from the objector's garden that had been submitted by Mr Smith.
- 7) Councillor K. Norman spoke in objection to the application in his capacity as a ward Councillor. He explained that the application should not be granted because of the loss of amenity it would cause in the area and to surrounding residents. The area the properties were located in was comprised of detached family houses and the new development overlooked the neighbouring properties. It was explained that the residents and their properties needed to be considered and that further additions to the scheme should be refused. The proposed gloriette and terrace area would add another level to the property and this would impact on the surrounding residents. Concern was also expressed that the areas of the roof prohibited for use, could easily be accessed by future owners of the properties.
- 8) Mr Foster spoke in his capacity as the agent acting on behalf of the applicant and explained that the application was for the structure that was previously agreed for Unit 1. The development on Unit 2 did not restrict the neighbouring properties views and would not cause any overlooking. The property was a significant distance away from the neighbouring houses and would not have a significant impact on the amenity of the area. The extended stairwell would provide some screening from overlooking into neighbouring gardens. He noted Officers were recommending that the scheme be granted approval and the proposed landscaping scheme would be carried out in full.



**Questions for Officers**

- 9) In response to Councillor Barradell it was clarified that the roof would not be accessible from the terrace as the chimney blocked access to the skyframe.
- 10) In response to Councillor Gilbey the Planning Manager explained that there was no overall increase in the height of the property because all the proposals were below the highest point of the building, which was the chimney.
- 11) The Planning Manager stated to Councillor Moonan that the previous objection to the development on Unit 1 was because of the obstruction of views that would be detrimental to the neighbours.
- 12) In response to Councillor Miller, it was confirmed that the windows of the properties were high and narrow and had been designed so they did not overlook other properties. The overlooking from the proposed roof terrace would be blocked by the chimney. It was also clarified that the removal of permitted development rights would prevent further extensions without planning permission.

**Debate and Decision Making Process**

- 13) Councillor C. Theobald noted that it would have been beneficial to see the potential impact on the neighbouring properties during the site visit. She believed that the properties were overbearing and the addition of a gloriote would make them even more so. She stated that she would not be supporting the Officer recommendation.
- 14) Councillor Miller agreed with Councillor C. Theobald and stated that he was concerned with the property overlooking the neighbouring houses, and the application would add an additional storey from what was originally agreed.
- 15) Councillor Inkpin-Leissner commented that the highest point of the house should not be measured from the chimney but from the roof line of the property.
- 16) Councillor Barradell noted that the units were not suitable for the area. She explained that she was unsure if the overlooking onto the neighbouring properties would be significant because the majority of the development would be screened with trees. She added that it would not have a significant impact on the street seen as the bulk of the building was already visible and developed.
- 17) Councillor Littman expressed concern that the development was too high and bulky; therefore he would not be supporting the Officer recommendation.
- 18) A vote was taken by the twelve Members present and the Officer recommendation that permission be granted was not carried on a vote of 2 in support with 7 against and 3 abstentions. Councillor C. Theobald proposed reasons for refusal and these were seconded by Councillor Gilbey, a short adjournment was then held to allow the Chair, Councillor C. Theobald, Councillor Gilbey; the Planning Manager – Applications and the Senior Solicitor to draft reasons for refusal. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Gilbey, C. Theobald, Inkpin-Leissner, Littman, Miller,

Moonan and Morris voted that permission be refused; Councillors: Cattell and Mac Cafferty voted that permission not be refused; and Councillors: Barradell, Bennett and Hyde abstained.

- 19) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed development would result in unacceptable overlooking of surrounding neighbours to the detriment of their amenity contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

Reason 2

The proposed development by reason of increased height represents an overdevelopment of the site contrary to policy CP12 of the Brighton & Hove City Plan Part 1.

- D BH2016/00926 - 3 Sylvester Way, Hove - Householder Planning Consent**  
Erection of single storey side and rear extension.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Similar applications had been refused twice and two appeals had been dismissed by the Inspector. Officers were now of the view that believed the current scheme had overcome the reasons for refusal and were recommending that the application be granted.

**Debate and Decision Making Process**

- 2) Councillor Littman stated that he believed the extension was too large and too close to the neighbouring property and there would be a loss of light for the neighbouring property.
- 3) Councillor Barradell noted that the scheme had vastly improved since the previous application.
- 4) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried on a vote of 10 in support, and 1 abstentions.

- 6.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**Note:** Councillor Hyde was not present for the consideration and vote on the application.

**E BH2016-00302 - 107 Freshfield Road - Full Planning Permission**

- 1) The Chair notified the Committee that application BH2016/00302 - 107 Freshfield Road - Full Planning Permission – had been deferred to allow Officers to undertake further consideration of the scheme.

**F BH2015/04277 - 37 Lewes Road - Removal or Variation of Condition**

Application for removal of condition 7 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights), which states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. (Part retrospective)

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

**Officer Introduction**

- 2) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application was for the removal of condition 7 to allow vehicles to access the site via Newport Road. The application was minded to grant, but Officers suggested new conditions: ensuring all vehicles enter and leave the site in forward gear; and a variation of Condition 8 to restrict the size of vehicles able to enter the site or make deliveries of vehicles. The application was recommended for approval for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 3) Mr Gary Hassel spoke in objection to the application in his capacity as a local resident. He was of the view that the application should not be granted as it would cause a loss of amenity to residents and could be unsafe for pedestrians. It was explained that Newport Street was accessed by wheelchairs, pushchairs and often used as a short cut for cyclists. Those exiting the site may not be expecting vehicles crossing over the road to access or exit the site. He stated that Newport Street had never been used to access the road, it had always been used as an exit, and drivers did not reverse on to Lewes Road. It was added that there had been large vehicles delivering cars to the site on Newport Street, and the site was already accessed from Newport Street as the metal barriers had been removed which previously prevented this.
- 4) In response to Councillor Hyde, Mr Hassel explained that there used to be one way metal barriers at the exit of the site which would ensure cars left the site slowly. These had since been removed. The Chair clarified to the Committee that it wasn't a previous condition on the application; therefore it was not a breach.
- 5) Mr Hassel confirmed to Councillor Inkipin-Leissner that it was his view the current arrangement was the safest route for vehicles.

- 6) Councillor Deane spoke in her capacity as a Local Ward Councillor; she explained that she would be reading an objection from a local resident who was unable to attend the Committee. An identical scheme has recently been refused at the site; removing Condition 7 would increase traffic, and retaining the current arrangements would be safer. It would be difficult for vehicles to enter and exit the site in a forward gear, and often drivers could not see pedestrians until they were at the gateway. There was no evidence that vehicle movements have reduced at the site and customers were much more likely to use Newport Street. The owners had a right of access from Lewes Road, and issues that related to this should be a separate enforcement matter – rather than being rectified through a new planning permission. The Committee were urged to refuse the application.
- 7) Ms Mai Malik spoke in her capacity as the applicant and explained that they were happy to accept the condition of limiting vehicle weight and delivery trucks. More staff had been employed to drive the cars onto the site individually. It was explained that all cars would be leaving and entering the site in forward gear; there was a clear view for drivers leaving the site.
- 8) In response to Councillor Barradell the applicant explained that the metal barriers had never been in situ since they had operated the business.
- 9) It was clarified to Councillor Moonan that cars would always be individually delivered to the site rather than use delivery trucks.

#### **Questions for Officers**

- 10) In response to Councillor Hyde, it was explained that the previous application in October was to remove condition 7 & 8 and this had been refused as the applicant had failed to demonstrate the conditions could be omitted without undermining road safety.
- 11) In response to Councillor Miller, the Development and Transport Assessment Manager explained that there was no significant concern with the visibility of exiting onto Lewes Road via Newport Road.
- 12) In response to the Chair, the Planning Manager explained that the large vehicle restriction condition was originally imposed to comply with policy and to ensure highway safety. The Development and Transport Assessment Manager added that it was also to prevent vehicles from reversing onto Lewes Road.
- 13) In response to Councillor Moonan, it was clarified that there could not be parking restrictions put on the accessway because it was a shared access.

#### **Debate and Decision Making Process**

- 14) Councillor Hyde noted that she had concerns when reading the report but after attending the site visit, she would be supporting the Officer recommendation. She added that there would not be a high volume of vehicles arriving and leaving the yard.

- 15) Councillor Inkpin-Leissner stated that he had concerns in relation to pedestrian safety and believed pedestrians would not be expecting vehicles to exit onto Lewes Road; therefore, he would not be supporting the Officer recommendation.
  - 16) Councillor Moonan explained that she understood why it would be beneficial for the applicant; however, she was of the view that appropriate signage would be needed to notify pedestrians of the road exit. The Development and Transport Assessment Manager explained that there were visual clues to help pedestrians, including curbs either side of the road.
  - 17) Councillor Littman agreed that it would be beneficial for the applicant and for customers; however, it would increase the traffic in Newport Street which was a residential street. He added that the current model of operation worked; therefore he would not be supporting the Officer recommendation.
  - 18) Councillor Barradell noted that having a two way system would significantly increase traffic in Newport Street as it would become the de facto entrance and exit for the site.
  - 19) The Chair noted that there would not be high volume of traffic and therefore would be supporting the Officer recommendation.
  - 20) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried on a vote of 9 in favour, with 2 against.
- 6.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**Note:** Councillor Mac Cafferty withdrew for the discussion and vote on this application as set out at Item 1.

- G BH2015/02893 - 4-12 Lyndhurst Road - Full Planning Permission**  
Change of use from nursing home (C2) to 6no houses (C3) with associated alterations.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The property was originally six individual houses and had been converted to a nursing home. The application was to convert the nursing home back to 6 individual units, with associated alterations to the outside of the properties. The application was recommended for approval.

**Questions for Officers**

- 2) In response to Councillor Mac Cafferty the Planning Manager – Major Planning Applications explained that he was unsure if the nursing home was currently occupied but the application was supported by social care.

- 3) The Development and Transport Assessment Manager confirmed to Councillor Morris that parking would not be provided with the scheme.
- 4) In response to Councillor Miller, the Planning Manager clarified that the intensity of the use was not drawn from the previous number of occupants.

### **Debate and Decision Making Process**

- 5) A vote was taken by the 11 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.
- 6.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

**Note:** Councillor Hyde was not present for the consideration and vote on the application.

### **H BH2016/00216 - Hazel Cottage, Warren Road, Brighton - Full Planning Permission**

Creation of enclosed entrance lobby and alterations to fenestration.

### **Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The alterations to the property were mainly for the front of the building, these were: constructing a porch; reordering the existing fenestration in the centre of the building; installation of new windows and changing one of the windows on the side of the building. The building had a wheelchair ramp access in and out of the building which would remain. The Officers considered that it was a sympathetic change to the property and the application was recommended for approval.

### **Public Speaker(s) and Questions**

- 2) Councillor Simson spoke in objection to the application in her capacity as a Ward Councillor. She highlighted that other than the Downs Hotel, the cottages are the only other historic buildings in Woodingdean. It was explained that the cottages were not listed because they had been in public ownership and the residents believed that they would therefore be protected in their original state. The cottages fitted the criteria for being listed or of being awarded local protection through the Local List. The scheme proposed significant changes the fenestration that would have a detrimental impact on the street scene and lose the uniformity of the four properties. Councillor Simson asked that the Committee refuse the application.
- 3) Councillor Simson clarified to Councillor Barradell that some of the cottages had their original wooden window frames; however, some have been changed to PVC.

**Questions for Officers**

- 4) In response to Councillor Mac Cafferty the Planning Manager – Major Planning Applications clarified that the cottages were not on the local list and highlighted that the local list had been reviewed recently.
- 5) In response to Councillor C. Theobald, it was explained that there would not be a change to the disabled access ramp.
- 6) The Planning Manager – Applications Team clarified to Councillor Inkpin-Leissner that the statutory consultation process had been followed and the neighbouring properties had been properly consulted.

**Debate and Decision Making Process**

- 7) Councillor Hyde explained that she recognised the concerns raised in Councillor Simson's objections to the application, and why local residents had concerns in relation to the change of the building. She believed the residents had not had enough time in the consultation period to put in formal objections. She went on to state that she agreed with Councillor Simson and added that she would not be supporting the Officer recommendation.
- 8) Councillor Miller agreed with Councillor Hyde and added that a porch would ruin the symmetry of the cottages. He didn't feel there was a huge benefit from the changes and therefore would not be supporting the Officer recommendation.
- 9) Councillor Inkpin-Leissner requested that the application be deferred until the next Planning Committee to give local residents a chance to be formally consulted. The Planning Manager – Applications Team explained that the statutory consultation had been complied with and they should not set a precedent for future applications. Councillor Inkpin-Leissner stated that he would not be supporting the Officer recommendation.
- 10) Councillor Morris noted that it was a shame the cottages were not on local list. He agreed with Councillor Miller and thought it would spoil the appearance of the cottages and would not be supporting the Officer recommendation.
- 11) Councillor Barradell stated that the buildings had character and thought it was a shame that new PVC windows had been installed on the cottages. She believed that the cottages should retain with the uniform appearance, as such she would not support the Officer recommendation.
- 12) Councillor Littman stated that the cottages were all slightly different and did not believe the addition of a porch would make a difference to the appearance; therefore he would be voting with the Officer recommendation.
- 13) A vote was taken by the Committee on the Officer recommendation that permission be granted and this was not carried on a vote of 4 in support with 8 against. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Morris, a short adjournment was then held to allow the Chair, Councillor Hyde, Councillor Morris;

the Planning Manager – Applications and the Senior Solicitor to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Gilbey, C. Theobald, Barradell, Bennett, Hyde, Inkpin-Leissner, Miller and Morris voted that permission be refused; Councillors: Cattell, Mac Cafferty, Littman and Moonan voted that permission not be refused.

- 14) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:

Reason 1

The proposed development would fail to respect the detailing and character of the existing building and the immediate neighbouring buildings. The proposal therefore represents an inappropriate development contrary to policy QD14 of the Brighton & Hove Local Plan 2005.

**7 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

- 7.1 There were no further requests for site visits in relation to matters listed on the agenda.

**8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

- 8.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**9 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

- 9.1 That the Committee notes the details of applications determined by the Executive Director Economy, Environment & Culture under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Economy, Environment & Culture. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chair and Deputy Chair and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]



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

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

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

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

**12 APPEAL DECISIONS**

12.1 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 6.35pm

Signed

Chair

Dated this

day of



**BRIGHTON & HOVE CITY COUNCIL  
ECONOMY, ENVIRONMENT & CULTURE**

**APPLICATIONS FOR PLANNING COMMITTEE**

Date: 13 July 2016

**MAJOR APPLICATIONS**

	<b>Application Number</b>	<b>Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Recommendation</b>
<b>A</b>	BH2015/04577	Regency	78 West Street & 7-8 Middle Street, Brighton	Demolition of existing nightclub buildings (Sui Generis use). Construction of part 5, 6 and 7 storey building plus basement to provide 'A' uses (A1 retail, A2 financial & professional services, A3 restaurant/café, A4 drinking establishment) on part of basement and ground floor fronting West Street and hotel use (C1) on all floors with reception fronting Middle Street to provide a total of 133no hotel rooms.	Minded to Grant
<b>B</b>	BH2015/04575	Regency	8-12A South Street & 79-81 West Street, Brighton	Demolition of garage / storage buildings at 8 - 12a South Street and two storey rear wing at 81 West Street. Construction of part 3, 4, 5 and 6 storey plus basement buildings to provide 91 hotel rooms (C1 use comprising 69 standard rooms, and 22 micro rooms), new ground floor kitchen and refuse store to 81 West Street and provision of 3no two bedroom flats and 1no one bedroom flat (C3 use) fronting South Street. Demolition and extension of roof level structure at 79 West Street to provide 11no additional backpacker hostel	Minded to Grant

				rooms (Sui Generis). Enclosure of external stairs. Reinstatement of public footpath in South Street.	
--	--	--	--	--	--

## MINOR APPLICATIONS

	Application Number	Ward	Address	Proposal	Recommendation
<b>C</b>	BH2015/01745	Rottingdean Coastal	107 Marine Drive, Rottingdean	Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.	Minded to Grant
<b>D</b>	BH2014/03742	Goldsmid	Hove Business Centre, Fonthill Road, Hove	Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.	Refuse
<b>E</b>	BH2016/00302	Queen's Park	107 Freshfield Road, Brighton	Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)	Grant
<b>F</b>	BH2016/01318	Central Hove	Pembroke Hotel, 2 Third Avenue, Hove	Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.	Grant
<b>G</b>	BH2016/01319	Central Hove	Pembroke Hotel, 2 Third Avenue, Hove	Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.	Grant

<b>H</b>	BH2016/01392	Hove Park	14 Woodland Drive, Hove	Erection of three bedroom residential dwelling with parking and associated works	Grant
<b>I</b>	BH2016/01558	Preston Park	16 Port Hall Street, Brighton	Erection of two storey rear extension with associated alterations.	Grant
<b>J</b>	BH2016/00015	Westbourne	51 Westbourne Villas, Hove	Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.	Grant
<b>K</b>	BH2015/04378	Rottingdean Coastal	Land rear of 28-30 Longhill Road, Brighton	Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings.	Grant
<b>L</b>	BH2016/00156	Preston Park	Clermont Church, Clermont Terrace, Brighton	Change of use from church (D1) to 1no three bedroom flat, 3 no two bedroom flats and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations.	Minded to Grant



**13 July 2016 Planning Committee – Additional Representations**

<b>Page</b>	<b>Site Address</b>	<b>Application No.</b>	<b>Comment</b>																																																																																																								
23	78 West Street & 7-8 Middle Street	BH2015/04577	<p><b>Drawing numbers to be inserted into condition 2:</b></p> <table border="1"> <thead> <tr> <th><b>Plan Type</b></th> <th><b>Reference</b></th> <th><b>Version</b></th> <th><b>Date Received</b></th> </tr> </thead> <tbody> <tr><td>Existing basement plan</td><td>1417-P-01</td><td></td><td>18/12/15</td></tr> <tr><td>Existing ground floor plan</td><td>1417-P-02</td><td></td><td>18/12/15</td></tr> <tr><td>Existing first floor plan</td><td>1417-P-03</td><td></td><td>18/12/15</td></tr> <tr><td>Existing second floor plan</td><td>1417-P-04</td><td></td><td>18/12/15</td></tr> <tr><td>Existing third floor plan</td><td>1417-P-05</td><td></td><td>18/12/15</td></tr> <tr><td>Existing fourth floor plan</td><td>1417-P-06</td><td></td><td>18/12/15</td></tr> <tr><td>Existing roof plan</td><td>1417-P-07</td><td></td><td>18/12/15</td></tr> <tr><td>Existing West/Middle Street elevations</td><td>1417-P-08</td><td></td><td>18/12/15</td></tr> <tr><td>Existing context elevations</td><td>1417-P-09</td><td>P1</td><td>25/1/16</td></tr> <tr><td>Existing Middle Street rear elevation</td><td>1417-P-10</td><td></td><td>18/12/15</td></tr> <tr><td>Existing west street rear elevation</td><td>1417-P-11</td><td></td><td>18/12/15</td></tr> <tr><td>Existing north elevation</td><td>1417-P-12</td><td></td><td>18/12/15</td></tr> <tr><td>Existing south elevation</td><td>1417-P-13</td><td></td><td>18/12/15</td></tr> <tr><td>Basement plan</td><td>1417-P-20</td><td></td><td>18/12/15</td></tr> <tr><td>Ground floor plan</td><td>1417-P-21</td><td></td><td>18/12/15</td></tr> <tr><td>First floor plan</td><td>1417-P-22</td><td></td><td>18/12/15</td></tr> <tr><td>Second floor plan</td><td>1417-P-23</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Third floor plan</td><td>1417-P-24</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Fourth floor plan</td><td>1417-P-25</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Fifth floor plan</td><td>1417-P-26</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Sixth floor plan</td><td>1417-P-27</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Roof plan</td><td>1417-P-28</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Proposed west elevation</td><td>1417-P-30</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Proposed Middle Street elevation</td><td>1417-P-31</td><td>P1</td><td>29/6/16</td></tr> <tr><td>Proposed south elevation</td><td>1417-P-32</td><td>P2</td><td>29/6/16</td></tr> </tbody> </table>	<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>	Existing basement plan	1417-P-01		18/12/15	Existing ground floor plan	1417-P-02		18/12/15	Existing first floor plan	1417-P-03		18/12/15	Existing second floor plan	1417-P-04		18/12/15	Existing third floor plan	1417-P-05		18/12/15	Existing fourth floor plan	1417-P-06		18/12/15	Existing roof plan	1417-P-07		18/12/15	Existing West/Middle Street elevations	1417-P-08		18/12/15	Existing context elevations	1417-P-09	P1	25/1/16	Existing Middle Street rear elevation	1417-P-10		18/12/15	Existing west street rear elevation	1417-P-11		18/12/15	Existing north elevation	1417-P-12		18/12/15	Existing south elevation	1417-P-13		18/12/15	Basement plan	1417-P-20		18/12/15	Ground floor plan	1417-P-21		18/12/15	First floor plan	1417-P-22		18/12/15	Second floor plan	1417-P-23	P1	29/6/16	Third floor plan	1417-P-24	P1	29/6/16	Fourth floor plan	1417-P-25	P1	29/6/16	Fifth floor plan	1417-P-26	P1	29/6/16	Sixth floor plan	1417-P-27	P1	29/6/16	Roof plan	1417-P-28	P1	29/6/16	Proposed west elevation	1417-P-30	P1	29/6/16	Proposed Middle Street elevation	1417-P-31	P1	29/6/16	Proposed south elevation	1417-P-32	P2	29/6/16
<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>																																																																																																								
Existing basement plan	1417-P-01		18/12/15																																																																																																								
Existing ground floor plan	1417-P-02		18/12/15																																																																																																								
Existing first floor plan	1417-P-03		18/12/15																																																																																																								
Existing second floor plan	1417-P-04		18/12/15																																																																																																								
Existing third floor plan	1417-P-05		18/12/15																																																																																																								
Existing fourth floor plan	1417-P-06		18/12/15																																																																																																								
Existing roof plan	1417-P-07		18/12/15																																																																																																								
Existing West/Middle Street elevations	1417-P-08		18/12/15																																																																																																								
Existing context elevations	1417-P-09	P1	25/1/16																																																																																																								
Existing Middle Street rear elevation	1417-P-10		18/12/15																																																																																																								
Existing west street rear elevation	1417-P-11		18/12/15																																																																																																								
Existing north elevation	1417-P-12		18/12/15																																																																																																								
Existing south elevation	1417-P-13		18/12/15																																																																																																								
Basement plan	1417-P-20		18/12/15																																																																																																								
Ground floor plan	1417-P-21		18/12/15																																																																																																								
First floor plan	1417-P-22		18/12/15																																																																																																								
Second floor plan	1417-P-23	P1	29/6/16																																																																																																								
Third floor plan	1417-P-24	P1	29/6/16																																																																																																								
Fourth floor plan	1417-P-25	P1	29/6/16																																																																																																								
Fifth floor plan	1417-P-26	P1	29/6/16																																																																																																								
Sixth floor plan	1417-P-27	P1	29/6/16																																																																																																								
Roof plan	1417-P-28	P1	29/6/16																																																																																																								
Proposed west elevation	1417-P-30	P1	29/6/16																																																																																																								
Proposed Middle Street elevation	1417-P-31	P1	29/6/16																																																																																																								
Proposed south elevation	1417-P-32	P2	29/6/16																																																																																																								

			Proposed north elevation	1417-P-33	P1	29/6/16
			Proposed east courtyard elevation	1417-P-34	P1	29/6/16
			Proposed Middle Street elevation	1417-P-35	P1	29/6/16
			Proposed west courtyard elevation	1417-P-36	P1	29/6/16
			Proposed west street rear elevation	1417-P-37	P1	29/6/16
			Proposed south courtyard elevation	1417-P-38	P1	29/6/16
			Proposed context elevations	1417-P-39	P1	29/6/16
			Block Plan – existing	1417-P-40	P1	25/1/16
			Site Location Plan	1417-P-41	P1	25/1/16
			Block Plan – proposed	1417-P-43	P1	25/1/16
			Existing basement demolition plan	1417-P-50		18/12/15
			Existing ground floor demolition plan	1417-P-51		18/12/15
			Existing first floor demolition plan	1417-P-52		18/12/15
			Existing second floor demolition plan	1417-P-53		18/12/15
			Existing third floor demolition plan	1417-P-54		18/12/15
			Existing fourth floor demolition plan	1417-P-55		18/12/15
			Existing roof plan demolition plan	1417-P-56		18/12/15
			Surveys by townscape - ground floor	1417-P-200		18/12/15
			Surveys by townscape – roof plan	1417-P-201		18/12/15
			Surveys by townscape – basement plan	1417-P-202		18/12/15



55	8-12A South Street & 79-81 West Street	BH2015/04575	<b>Drawing numbers to be inserted into condition 2:</b>			
			<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
			Existing basement plan	1534-P-01		18/12/15
			Existing ground floor plans	1534-P-02		18/12/15
			Existing first floor plans	1534-P-03		18/12/15
			Existing second floor plans	1534-P-04		18/12/15
			Existing third floor plans	1534-P-05		18/12/15
			Existing fourth floor plans	1534-P-06		18/12/15
			Existing roof plans	1534-P-07		18/12/15
			Existing elevations South Street	1534-P-07	P1	29/6/16
			South Street existing elevations	1534-P-08	P1	29/6/16
			Existing rear elevation	1534-P-09		18/12/15
			South Street butterfly existing	1534-P-10	P1	29/6/16
			Basement plan	1534-P-20	P2	29/6/16
			Ground floor plan	1534-P-21	P3	29/6/16
			First floor plan	1534-P-22	P2	29/6/16
			Second floor plan	1534-P-23	P3	29/6/16
			Third floor plan	1534-P-24	P2	29/6/16
			Fourth floor plan	1534-P-25	P1	25/1/16
			Fifth floor plan	1534-P-26	P1	25/1/16
			Roof Plan	1534-P-27	P1	25/1/16
			Proposed South Street elevation	1534-P-30	P3	29/6/16
			Proposed east courtyard elevation	1534-P-31	P1	29/6/16
			Proposed west courtyard elevation	1534-P-32	P2	29/6/16
			Proposed West Street rear elevation	1534-P-33	P1	29/6/16
			Proposed South Street rear elevation	1534-P-34	P3	29/6/16
			Proposed courtyard elevations	1534-P-35		18/12/15

			<p>additional</p> <p>Proposed West Street elevation 1534-P-36 29/6/16</p> <p>Block Plan – existing 1534-P-40 18/12/15</p> <p>Site Location Plan – existing 1534-P-41 18/12/15</p> <p>Block Plan - proposed 1534-P-42 18/12/15</p> <p>Existing basement demolition plan 1534-P-50 18/12/15</p> <p>Existing ground floor demolition plan 1534-P-51 18/12/15</p> <p>Existing first floor demolition plan 1534-P-52 18/12/15</p> <p>Existing second floor demolition plan 1534-P-53 18/12/15</p> <p>Existing third floor demolition plan 1534-P-54 18/12/15</p> <p>Existing fourth floor demolition plan 1534-P-55 18/12/15</p> <p>Existing roof demolition plan 1534-P-56 18/12/15</p> <p>Surveys by townscape – ground floor 1534-P-200 18/12/15</p> <p>Surveys by townscape – roof plan 1534-P-201 18/12/15</p> <p>Surveys by townscape - basement plan 1534-P-202 18/12/15</p>
159	2 Pembroke Hotel Third Avenue Hove	BH2016/01319	<p><b>Amend</b> the following conditions to read as follows:</p> <p><u>Condition 2</u> No external works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.</p> <p><b>Reason:</b> As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy</p>

HE1 of the Brighton & Hove Local Plan.

Condition 3  
No external works shall take place until full details of first floor extension, including 1:1 scale joinery details, framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Condition 4  
No fenestration works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Condition 5  
No external works shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

Condition 7  
No kitchen/bathroom units shall be installed until details and drawings of the

			<p>proposed ventilation for the basement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.</p> <p><b>Reason:</b> To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton &amp; Hove Local Plan and CP15 of the City Plan Part One.</p> <p><u>Condition 8</u> No works to the fire places shall take place until full details of the proposed fire places have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.</p> <p><b>Reason:</b> To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton &amp; Hove Local Plan and CP15 of the City Plan Part One.</p> <p><u>Condition 9</u> No works to the basement stairs shall take place until details for the new basement stairs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.</p> <p><b>Reason:</b> To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton &amp; Hove Local Plan and CP15 of the City Plan Part One.</p>
197	51 Westbourne Villas	BH2016/00015	<p><b>One (1)</b> email of <u>comment</u> has been received from the occupiers of no. <b>50 Westbourne Villas</b> identifying that there are inaccuracies on the submitted plans.</p> <p><b>Officer response:</b> It has been identified that there are inaccuracies on the submitted plans; however this has not prevented a full assessment of the application, notably the relationship between the proposed extension and the existing features on the property.</p>
229	Clermont Church, Clermont Terrace	BH2016/00156	<p><b>One (1)</b> e-mail of from <b>unknown</b> address has been received. <u>Comment</u> - It has been a central part of the applicant's submission that the change of use to residential is vital to restore and secure the historic fabric of the church. In support of</p>

			<p>this argument, the applicant submitted a very comprehensive and costed building repairs report. On this basis, would suggest that it is reasonable and for the avoidance of doubt for the planning authority to add to the wording of Condition 2 so that it not only refers to the amended plans but also the Building Survey Report prepared by Sussex Surveyors and dated 28 October 2015.</p> <p><b>Officer response:</b>  The report is a survey of the building and provides an overview of the possible works which would be needed as part of the redevelopment to address existing issues of damp, rot, condensation, woodworm, ventilation, adequacy of lead flashing, downpipes etc. The works are broadly described and not detailed and often identify the need for further specialists to provide advice. Some of the works would be likely to be covered by Building Regulations. The report forms part of the application submission and provides a view of the building as existing but it is not a clear and definitive schedule of what will occur and therefore would not be something usually incorporated within condition 2.</p>
--	--	--	--

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

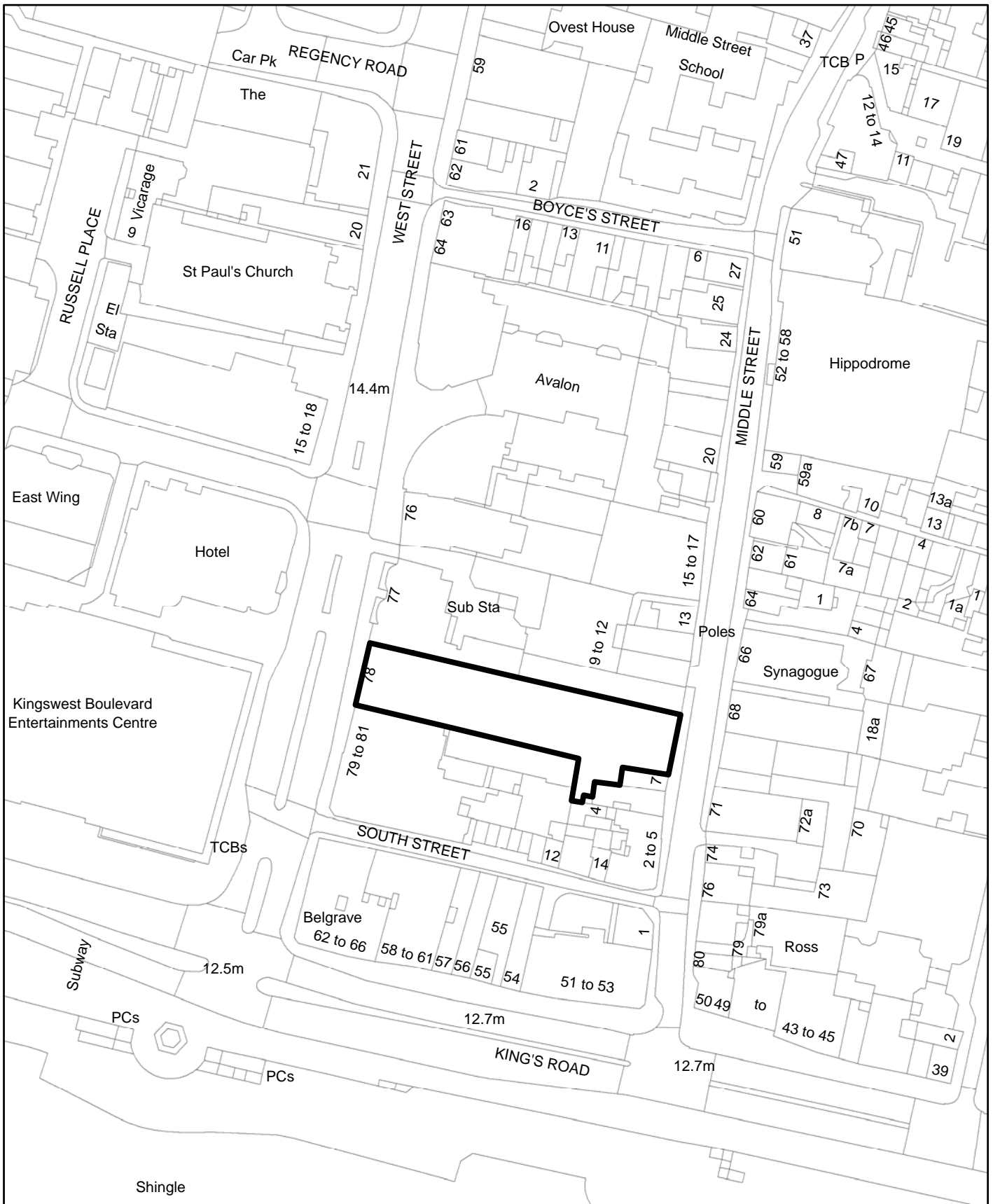


# **ITEM A**

**78 West Street & 7-8 Middle Street, Brighton  
BH2016 / 04577  
Full Planning**

**13 July 2016**

# BH2015/04577 78 West Street & 7-8 Middle Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04577</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>78 West Street &amp; 7-8 Middle Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing nightclub buildings (Sui Generis use). Construction of part 5, 6 and 7 storey building plus basement to provide 'A' uses (A1 retail, A2 financial &amp; professional services, A3 restaurant/café, A4 drinking establishment) on part of basement and ground floor fronting West Street and hotel use (C1) on all floors with reception fronting Middle Street to provide a total of 133no hotel rooms.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale Tel 292175</b>	<b><u>Valid Date:</u></b>	<b>25/01/2016</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>E.O.T:</u></b>	<b>13/08/16</b>
<b><u>Listed Building Grade:</u></b>	<b>Adjacent to Grade II listed building</b>		
<b><u>Agent:</u></b>	<b>Morgan Carn Partnership, Blakers House,79 Stanford Avenue Brighton BN1 6FA</b>		
<b><u>Applicant:</u></b>	<b>London &amp; Regional Properties, Mr Tom Wilson 8th Floor South Block 55 Baker Street London W1U 8EW</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a former nightclub building (previously known as Headkandi) located between West Street and Middle Street. The buildings form the whole length of the block between these two streets and have two accesses, the main frontage being on West Street. It was last used as night club about 4 years ago and is currently being used by Synergy a 'multi-media community arts centre and cafe/bar' use on a temporary basis.

The West Street frontage is of 1960's architectural style and the Middle Street frontage is from the Victorian era. The building is not listed. Commercial buildings border the site to the north and commercial and residential uses are to the south.

The site is located within the Old Town Conservation Area. There is a Grade II listed building adjacent to the north (no.77) West Street, a listed bollard in front of the site in West Street and other listed buildings in the vicinity.

The site is located on the boundary of the Brighton Centre and Churchill Square Development Area and within the Central Brighton Area as defined in policies DA1 and SA2 in the Brighton & Hove City Plan Part One.

### 3 RELEVANT HISTORY

**BH2011/01960** Change of use of part of ground floor bar and part of basement of existing night club (sui generis) to form separate bar (A4). Approved 30/08/11.

**BH1997/00874** Change of use of ground floor amusement arcade to D2 nightclub for use in connection with Paradox. Approved 2/10/97.

There have also been various recent applications approved for signage and minor alterations, and many more historical permissions going back to 1948, but these are not considered relevant to the current proposal.

Pre-Application Consultation: With Planning, Heritage, Transport and Environmental Health officers. The applicant also carried out a public consultation exercise. The application was presented at the pre-application stage to elected members at a briefing session on 27<sup>th</sup> October 2015.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of all the buildings on the site and erection of a part 5, 6 and 7 storey building plus basement to provide flexible 'A' uses (A1 retail, A2 financial & professional services, A3 restaurant/café, A4 drinking establishment) on part of basement and ground floor fronting West Street and a 133 room hotel use (C1) on all floors with reception fronting Middle Street.

The application site measures 0.12Ha. The existing buildings have a gross internal area of 3,550m<sup>2</sup> and an above ground volume of 19,140m<sup>3</sup>. The proposed scheme has a gross internal area of 6,206m<sup>2</sup> and an above ground volume of 15,630m<sup>3</sup>. The total floor area including potential kitchen, w.c.'s and other ancillary areas of the proposed A uses is 844sqm and equates to about half of the basement and ground floors. The public floor area of the A uses is likely to be about 570sqm.

The applicant has submitted an indicative Masterplan which covers this site and that adjacent to the south (79-81 West Street & 8-12A South Street). This indicative plan shows how this application and that for the adjacent site (BH2015/04575) could be developed together or independently.

Amended plans have been received which alter the roof profile and plant.

### 5 PUBLICITY & CONSULTATIONS

#### External

#### 5.1 Neighbours:

**One (1)** letter of representation have been received from **Casablanca Jazz Club 2-5 Middle Street** objecting to the application for the following reasons:

- Loss of privacy
- Overshadowing/Loss of light
- Design out of character with area
- Overdevelopment/excessive scale
- Impact to door used as smoking area for nightclub

- Traffic congestion
- Refuse congestion
- Too many licensed premises in area

- 5.2 **Brighton & Hove Archaeological Society:** Comment. The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or reformation periods. It is possible that other archaeology may remain underground and view of the County Archaeologist should be sought.
- 5.3 **Conservation Advisory Group (CAG):** Approve. It is suggested iron work from the first floor balconies of the ballroom be reused in the hotel. A full archaeological survey is needed.
- 5.4 **County Archaeology:** Comment. The site is located in the archaeological notification area. The submitted desk based assessment and standing building appraisal is useful. This has identified limited below ground archaeological potential due to the presence of extensive existing basements, which is reasonable, although aspects of the existing basements could be of potential archaeological or historic interest. Detailed recording of the buildings to be demolished is needed and detailed survey of the basements. There could be remains of Henry Thrales house which stood on the site from 1767-1866. In light of the potential for impacts to heritage assets (below ground and with respect to the standing buildings) a condition requiring a programme of archaeological works should be imposed – before demolition.
- 5.5 **County Ecologist:** Support. The proposal is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement.

Given the nature scale and location of the proposed development there are unlikely to be any significant impacts on sites designated for their nature conservation interest. The site comprises buildings and hardstanding within an urban setting and is relatively low ecological interest. The site is unlikely to support any protected species. The site offers opportunities for enhancement including use of species of known value to wildlife within landscaping and provision of green walls and roofs. Native species of local provenance should be used. Bird boxes should target starlings and swifts.

- 5.6 **Historic England:** Comment. The site lies in an area which developed in the 18th century with a mix of small scale buildings that were part of the old fishing town of Brighthelmstone. These were gradually developed by larger late 19th century buildings as Brighton expanded its hotel and entertainment offer. Whilst many of the buildings have been altered or redeveloped over the years, the tight grain of the streets and sense of enclosure create a very distinctive character to Brighton's Old Town Conservation Area. The area contains a variety of buildings of different heights, ages and types that adds to this character.

In 19<sup>th</sup> century a grand concert hall was erected in the centre of the site with hotels either end, designed to be tall and stand out above the other buildings

but in a playful Italianate style reflecting their seaside location. They were by Horatio Nelson Gouly responsible for a number of other distinctive buildings in Brighton including the decorative Norfolk Hotel on the seafront. The buildings on the site were changed and altered and used for different purposes over the years as a result of changing tastes and fashions. In the 1960's, the West Street elevation was demolished and replaced by a plain fronted nightclub and amusement arcade and in the 1970's the ground floor entrance of the Middle Street façade was altered to provide a nightclub entrance and its upper floor iron balconies removed.

Do not object in principle to redevelopment of this area which would enliven and regenerate this part of the conservation area creating a more vibrant quarter of Brighton. Furthermore, the current elevations on both West Street and South Street that are to be replaced detract from the character and appearance of the conservation area. It is considered the new design of the West Street frontage to be contextual and of an appropriate scale and massing. The LPA needs to ensure the massing and scale of the new blocks of new development behind the frontages are also appropriate so that they are not overly dominant in views and are in keeping with the established form of the historic townscape and its irregular and varied roofline.

Whilst it is agreed that the height of 7 Middle Street is unusual in the conservation area and that the building is now derelict and run down, it is considered the façade has some aesthetic value and if restored could make a positive contribution to the character and appearance of the conservation area. The variety of height and scales is a feature. Furthermore it is noted that in Middle Street in general there has been an erosion of historic character through loss of historic features on buildings such as the replacement of windows etc. and development of building plots. The loss of 7 Middle Street would contribute further to this process.

As a result of this, whilst it is agreed the overall wider scheme will help regenerate and enliven this rundown and neglected part of the conservation area, the LPA needs to be satisfied that the loss of 7 Middle St is clearly and convincingly justified and that what replaces it is of sufficient quality and any harm caused is outweighed by the public benefits of the wider scheme, as required by the NPPF.

- 5.7 **Southern Water: Comment**. Connection to the public sewer is required, at the developers expense to the satisfaction of SW. Foul sewage and a water supply can be provided to the development and disposal should be conditioned. The detailed design for the basement should take into account the possibility of surcharging of the public sewers. An appropriate condition and informatives should be added to the permission.
- 5.8 **Sussex Police: Comment**. With regard to the proposed A4 pub usage, the applicant is strongly advised to take note of licencing policy in the Cumulative Impact Area and consult directly with the police before making any such application. The Police are fully supportive of policy SR12. Perimeter security and access control are paramount to ensuring safety and security of the 133

bed hotel. There needs to be less permeability. Concerns expressed regarding the impact of such a development on Sussex Police's resources as has potential to create additional footfall and anti-social behaviour across city centre.

**5.9 UK Power Networks: No objection.**

**Internal:**

**5.10 CityClean: Comment.** CityClean do not collect from commercial premises. The site should provide suitable space for separation of recycling and storage.

**5.11 City Regeneration: Support.** Proposal will deliver welcome regeneration of the area plus will provide 133 hotel beds to help meet demand for wide range of visitors to the city. Proposal will improve and diversify areas commercial and tourist offer and in addition new 'A' uses further enhance the street level offer. through streetscape improvements and new uses. The site is in a prime location The proposal will create jobs (approx 91 in total). Indirect benefits and induced benefits will also benefit neighbouring businesses and the wider local economy. Care should be taken to ensure night-time economy businesses adjacent are not negatively affected.

In accordance with the Developer Contributions Guidance a contribution of £62,050 towards the council's Local Employment Scheme is sought, and an Employment and Training Strategy is also required, with a commitment to using at least 20% local labour.

**5.12 Environmental Health: Recommend approval** subject to conditions. Given the location in close proximity to uses which generate high levels of noise late into the night it is critical that any uses introduced are well thought out and have adequate level of protection necessary to afford the end users the ability to use their properties/commercial spaces. There are also a number of residents nearby and the development needs to make sure they are not negatively impacted.

The Site Investigation report submitted is considered robust. 77 West Street could potentially be on contaminated land due to historically being used as a car dealers. The report identifies a number of potential complete pollutant linkages which present a potential risk to human health. The report therefore recommends a full Phase II intrusive investigation is undertaken at the site. This can be satisfactorily conditioned.

The submitted acoustic report is considered robust. In their unmitigated form, the air source heat pumps and the canteen extract/kitchen extract have the potential to cause significant noise impact to existing residents and new hotel users. Mitigation measures are recommended in the report to reduce incident noise levels to the council's required 5dB(A) below background target. This requires both an inline attenuator in the kitchen extract and acoustic louvres around the air source heat pumps. Mitigation measure such as enhanced glazing are needed against city centre entertainment/environmental noise. This may mean windows cannot be opened and a need for mechanical ventilation is

therefore required. There is potential for courtyard noise. Enhanced glazing and use of absorbent panels in the courtyard would assist the reduction of the reverberation within this area.

A CEMP is needed given the scale of the scheme. Details of external lighting are needed.

- 5.13 **Heritage: Support** This site lies within the Old Town conservation area, which represents the original extent of Brighthelmstone as a fishing village and is an area of generally small scale buildings set in a tight knit urban grain with a mix of architecture, but predominantly 18th and 19th century, and a mix of commercial, leisure and residential use uses. Old Town is bounded by North Street, West Street and East Street with the seafront to the south. West Street is a main thoroughfare that has been subject to significant redevelopment in the 20th century and is now very varied architecturally. Middle Street is a much tighter and narrower historic thoroughfare. Generally the buildings vary between three and four storeys, but because of the variance in floor heights, there is a broad prevailing height to the buildings – except for number 7, which in the context of the street is a full two storeys higher than anything else. South Street is a narrow service road that has suffered from some 20th century demolition and neglect.

The main part of the site in its current form largely dates back to 1867 when the iron-framed Grand Concert Hall was built in the centre of the site and an Italianate hotel building on both the West Street and Middle Street frontages, as 'bookends', designed by the architect Horatio Goulty for William Childs. The current number 78 West Street is plain fronted nightclub elevation built in 1969 that lacks any context and is typical of the insensitive designs of the 1960s. In a poor state of repair, it presents a soulless, windowless and blank painted façade to the street. The taller concert hall itself is barely visible from the street apart from the glimpse of the blank west gable end and the blank rendered elevation seen from South Street. Number 7 Middle Street retains its 1867 frontage but this end was substantially altered in the 1970s and has a bulky plain south elevation (seen from South Street) and a blank ground floor frontage that harms the street scene.

The submitted structural report makes clear that the Middle Street building is in poor condition and that works to bring it back into a usable state of repair would be extensive. Such repair would be possible but would be more costly than demolition and rebuild. The NPPG states that "disrepair and damage and their impact on viability can be a material consideration in deciding an application".

The Historic England comments refer to paragraph 132 of the NPPF and the need to demonstrate, clearly and convincingly, that the scheme could not be delivered without the demolition of 7 Middle Street. However, the NPPG states that "an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building" and that "If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the

National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole".

Number 7 Middle Street does contribute positively to the conservation area but is somewhat atypical for the Old Town area in its height and scale, particularly for Middle Street, and is a later development than much of Old Town. It has also been significantly altered, with an unattractive rear extension and the loss of its original ground floor frontage. Moreover its 'twin' façade in West Street was demolished long ago. All of these factors combined suggest that its significance is modest and that its contribution to the significance of the conservation area as a whole is minor, so that the loss of the building would amount to less than substantial harm, not substantial, and should therefore be judged against the test in paragraph 134 of the NPPF. Therefore its loss must be judged against the public benefits of the scheme and these benefits are considered to include that this scheme as a whole would enhance the appearance and character of the Old Town conservation area.

Number 77 West Street is a grade II listed building, a double fronted detached property with segmental bays dating from the early 19th century and adjacent to it is a grade II listed cast-iron post dating from the 18th century, being all that remains of a post and chain fence which once stood outside the house at 78 which was, at one time, occupied by Henry and Hester Thrale, friends of Dr Johnson. Across West Street is the grade II\* listed Church of St Paul, which is a distinctive local landmark. Opposite number 7 Middle Street to the north east is the grade II\* listed synagogue of 1874-5 in a Romanesque style of stock brick with brick and stone detailing. To the south east are 3 grade II listed terraced houses dating from the early 19th century.

This is an unusual site, being a long linear footprint spanning the whole length between West Street and Middle Street, with the main part of the site being largely hidden from view. The proposals have been subject to constructive pre-application discussions.

There is no objection to the demolition of the former Victorian concert hall building, which was always a long plain 'shed like' structure externally, and which has modest historic interest only (though some internal features survive behind the modern nightclub finishes). The Standing Buildings Assessment suggests that the basement level may include remnants of the earlier Thrales' house and a watching brief would be required by condition if permission is granted. The 1969 frontage to West Street is very harmful element in the street scene and its loss is very much welcomed. Whilst the Middle Street elevation does retain some architectural interest on its upper storeys it has been badly compromised by later 20th century alterations and divorced from its former matching 'bookend' in West Street. In addition it is uncharacteristically tall for Middle Street. Its significance as a heritage asset is now minor.

The development proposed is substantial in scale with the six storey plus roof plant block to the west notably uncharacteristic for a backland plot between street frontages in Old Town. However, as the Tall Buildings Statement

demonstrates, the development behind the two street frontages would barely be visible from public viewpoints within the conservation area or from adjoining conservation areas, due to the topography, tight urban grain and dense building form of the area. The new West Street and Middle Street frontages are clearly contemporary in design but have taken strong contextual reference, in their scale, rhythm and proportions, from the 19th century buildings and they would form a coherent 21st century recreation of the 1867 'bookends' to the site. The detailing and materials proposed would ensure a suitably high quality development, subject to approval of samples by condition. In this respect the choice of stone cladding, to achieve the appropriate texture, would be especially important. The new frontage to West Street would be a particularly positive addition to the street scene and would be respectful to the adjacent listed building at number 77. The Middle Street frontage would still be taller than is typical for this street but would be significantly lower at the frontage than the existing building and would not be unduly intrusive in the street scene. The attractive and active ground floor frontage would be a particular benefit to the area.

The only public viewpoint where the scale of the development would be apparent from would be South Street, if the concomitant application for the adjoining site were not to be developed or were to be delayed. The blank south end elevation of the central 6 storey block would be prominent, although it is accepted that the existing buildings on the site present a largely blank and unattractive backdrop to South Street. The full height link through to the Middle Street block would result in a substantial massing and it is unfortunate that there is so much roof top plant and structures at this end of the development, including the covered fire escape walkway, which results in a rather incoherent roofline that is at odds with the otherwise carefully considered design. It is appreciated that this would not be an issue if the proposals for the adjoining site were approved and implemented, but considered on its own merits this does raise concerns. This aspect of the proposals has since been satisfactorily addressed through the submission of revised plans which reduce the cluttered massing of the roof level and providing a more coherent outline.

Overall, it is considered that the proposals would enhance the appearance and character of the Old Town conservation area and would preserve the setting of the nearby listed buildings in West Street and Middle Street.

Any approval should be subject to conditions requiring approval of materials, 1:20 scale sample elevations and sections, and a landscaping plan. Subject to the comments of the County Archaeologist a watching brief and recording condition would also be needed given the possibility of below ground heritage within the Archaeological Notification Area as well as the possible remains of the earlier Thrales' house. A pre-commencement condition would also be required to ensure satisfactory measures are put in place to protect the listed bollard from damage during demolition and construction works.

- 5.14 **Planning Policy:** Comment There is no policy protection for sui generis nightclub uses in either the Local Plan or City Plan – the loss of the existing use is therefore acceptable.



The hotel would be located within the central Brighton zone where hotels are acceptable in principle (SA2/CP6). A more detailed Hotel Impact Report has been received, and is considered to meet the requirements of City Plan Policy CP6. It demonstrates how citywide occupancy rates have increased in recent years. It is further noted that Visit Brighton have commented on the previous version of the Statement and have confirmed that it is reasonable and in line with their knowledge of the hotel market in the city.

With regard to the proposed mixed A class uses, the potential for A1/A2 uses is considered acceptable in this location without the sequential test assessment that is strictly required for town centre uses outside of a defined centre. This is because of the site's location with the central Brighton area defined by Policy SA2 and the broad compliance with that policy, the proximity to the regional centre and the proposed major new retail development expected through the expansion of Churchill Square as set out in City Plan Policy DA1.

For A3/A4 uses, the proposed scheme would provide a much larger potential floorspace than is permitted under Local Plan Policy SR12 as the site is within 400m of other similar large establishments. The A3/A4 floorspace should be restricted to 150m<sup>2</sup>, unless service is to seated customers only, as permitted by the policy. This could be controlled by a condition.

City Plan policies CP5, CP7 and CP13 support the provision of public art within development schemes. A contribution of £49,500 is sought based on past levels sought for such sized developments.

- 5.15 **Sustainable Transport:** No objection in principle subject to appropriate S106 and conditions. The dual access to the site is welcomed as provides access to hotel from West St taxi rank. The level of cycle parking proposed is acceptable – details need to however be secured by condition. Due to site constraints no disabled parking can be provided on site as per SPG04. There are other alternatives on street and in car parks nearby and there are opportunities to improve the pedestrian routes between them and the site as part of this application. Servicing will primarily occur from the existing loading bay on Middle St. Whilst no end user is known more could be done to promote measures to mitigate impact deliveries will have on the transport network. This can be secured by a condition requiring a delivery and servicing management plan. No general parking on site is considered acceptable as per SPG4 maximum standards given the sustainable central location and proximity to many car parks and public transport. A travel plan should be secured to promote sustainable modes. A CEMP is needed given the nature and scale of the proposal and constrained nature of the site. The proposal will change the time and nature of trips generated etc and there may be existing deficiencies in the transport network which need to be addressed to provide a safe and accessible environment for all. No disabled parking is proposed so it is pertinent that safe accessible routes are provided to existing parking areas. There is a lack of necessary sustainable infrastructure in the form of dropped kerbs and tactile paving, and a S106 contribution of £12,000 is therefore sought towards pedestrian improvements.

- 5.16 **Sustainability:** No objection. A Pre-BREEAM assessment has been submitted indicating the development is on target to meet BREEAM ‘Excellent’ as required by policy CP8. Improvements have been made to the scheme in particular to the fabric performance, energy reduction, water attenuation and biodiversity. Policy CP8 has been addressed well. Air source heat pumps and PVs and CHP are likely to be used and green roofs and walls incorporated. Any plant used should have capacity to connect to a district heating network in future (policy DA1).

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 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	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity

## PLANNING COMMITTEE LIST – 13 July 2016

- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- DA1 Brighton Centre and Churchill Square Area
- SA2 Central Brighton

### Brighton & Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR9 Pedestrian priority areas
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- SU3 Water resources and their quality
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD10 Shopfronts
- QD15 Landscape design
- QD18 Species protection
- QD25 External lighting
- QD27 Protection of amenity
- EM9 Mixed uses and key mixed use sites
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in conservation areas
- HE12 Scheduled ancient monuments and other important archaeological sites
- SR1 New retail development within or on the edge of existing defined shopping centres
- SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)

### Supplementary Planning Guidance:

- SPGBH4 Parking Standards
- SPGBH15 Tall Buildings
- Guidance on Developer Contributions

### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD11 Nature Conservation & Development
- SPD02 Shop Front Design.

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to:
- Principle of the proposed hotel and 'A' commercial uses in this location
  - Impact to tourism and the economy
  - Impact to the shopping area
  - Principle of demolishing buildings in a Conservation Area

- Impact to the visual amenities of the locality including the Old Town Conservation Area and setting of nearby listed buildings
- Impact on amenity of existing and prospective occupiers
- Crime prevention
- Transport demand and sustainable transport accessibility
- Sustainability
- Biodiversity

## 8.2 Planning Policy Context:

The main policies that are relevant to this application are stated below.

City Plan policy DA1 'Brighton Centre and Churchill Square Area' is relevant to this proposal as, whilst not located within the defined Development Area, the site does have a boundary with it to the west. The policy states that it seeks to 'secure a new state of the art conference centre in a landmark new building to benefit the city and the region and to sustain the tourism and service economy for the next 30 years, positioning Brighton & Hove as one of Europe's leading conference and meeting destinations. The redevelopment of the Brighton Centre will form part of a comprehensive scheme including the extension of the Churchill Square Shopping Centre and new leisure facilities'.

The site is located within the Central Brighton Area defined in City Plan policy SA2, the main aim of which is 'to reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses'. It goes on to state that the focus for significant new retail development will be Brighton Regional Centre. It states the Council will promote a balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups, avoid a spread of large bars/pubs and night clubs and address public safety concerns. It states that mixed use developments will be promoted which retain active ground floor uses and accord with a range of appropriate city centre uses.

City Plan policy CP4 is relevant as town centre 'A' uses are proposed including retail, and the site is located close to the defined Regional Shopping Centre. It states that Brighton & Hove's hierarchy of shopping centres will be maintained and enhanced by encouraging a range of facilities and uses, consistent with the scale and function of the centre, to meet people's day-to-day needs, whilst preserving the predominance of A1 use classes. It states that applications for all new edge and out of centre retail development will be required to address the tests set out in the NPPF. Applications will be required to complete an impact assessment at a locally set threshold of 1,000 sqm (net) floorspace or more.

Policy SR12 of the Local Plan is relevant as it relates to large (greater than 150sm) A3 restaurant and A4 drinking establishment uses. It states that new cafés, restaurants, bars or public houses with a total resultant public floorspace in excess of 150 sq m will be permitted provided they meet certain criteria including the following:

- the premises would not be within 400m of another establishment falling into the above category;

- that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;

- that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.

The policy states that exceptions may be permitted provided that any customer floorspace in excess of 150 sq.m is for service to seated customers only in the manner of a restaurant or café. To ensure this, planning conditions would be imposed to ensure that no alcohol could be sold or supplied except to persons who are taking meals on the premises and who are seated at tables. Where appropriate, conditions will also be applied to ensure that closing times in relation to other similarly large venues in the vicinity are staggered in order to avoid large numbers of people dispersing from an area at the same time.

Policy CP6 of the City Plan is relevant as it relates to tourism and visitor accommodation. It aims to support the city's tourism and business conference economy and support the provision of a sufficient and wide ranging type of visitor accommodation. It states, amongst other things, the following:

- Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).

- Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.

- The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.

- Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.

With regard to design, heritage and amenity, CP12, CP13 and CP15 of the City Plan Part One and policies HE3, HE6, HE8, HE12, QD5, QD10, QD14 and QD27 of the Brighton & Hove Local Plan are relevant.

City Plan policy CP12 expects all new development to be built to a high quality standard and CP15 seeks to conserve and enhance the special character and appearance of heritage assets, including Conservation Areas. Local Plan policies HE3 and HE6, seek to conserve or enhance the setting of Conservation Areas and Listed Buildings. Policy HE12 seeks to preserve and enhance sites of known and potential archaeological interest and their settings.

Local Plan policy HE8 seeks to retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation

area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a. supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner / applicant);
- b. viable alternative uses cannot be found; and
- c. the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and / or the landscaping of the site prior to the commencement of demolition.

The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to development affecting listed buildings and conservation areas:

S66 (1) "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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";

S72(1) "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2) [N.B. these include the Town and Country Planning Act 1990], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness (para 131).

Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paras 133 & 134 of the NPPF state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Para 136 of the NPPF states that Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Para 137 of the NPPF states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

City Plan policies CP12 and CP13 seek to ensure places that are created are safe, and that development incorporates design features which deter crime and the fear of crime. Retained Local Plan policy QD5 states that all new development should present an interesting and attractive frontage at street level for pedestrians. Policy QD10 seeks good design for shopfronts/commercial frontages.

Local Plan Policies QD27 and SU10 are relevant as they seek to ensure development protects the general amenity of the locality and of neighbouring occupiers from undue noise or disturbance. Retained Local Plan Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

With regard to transport, City Plan Policy CP9 (Sustainable Transport) and retained Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle access and parking), TR15 (Cycle network), TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. SPG4 sets out maximum parking standards for development and minimum standards for disabled parking. Local Plan policy TR9 specifically identifies the Old Town Area as a pedestrian priority area.

With regard to sustainability, City Plan Policy CP8 is relevant. It requires all development to incorporate sustainable design features and major commercial developments are required to achieve a minimum standard of BREEAM 'Excellent'. City Plan Policy CP10 relating to biodiversity is relevant and this states all schemes should conserve existing biodiversity and provide net gains wherever possible.

### **8.3 Principle of development:**

Redevelopment of this vacant site is welcomed in principle. Replacement of the unsympathetic 1960's West Street facade is welcomed. The site has not been used as a nightclub for at least 4 years and bringing a large centrally located site into re-use is encouraged.

It is noted that currently there is a temporary use on a short notice contract within part of the building – Synergy - a 'multi-media community arts centre and cafe/bar'. This is considered either a mixed D1/D2 or more likely a one off sui generis use as it comprises many different types of land uses including theatre and music performance space. It is recognised that City Plan policy CP5 seeks to encourage use of temporary or vacant sites for arts related activity however this use is not the lawful planning use of the building and therefore is not considered relevant to the assessment of the proposal. It is hoped the owner and council will work with the tenant to find suitable alternative premises. There is no policy to resist the loss of the existing nightclub use.

The proposed uses (hotel and 'A' uses) are considered appropriate town centre uses and are acceptable in principle on this site and in this location. A mixed use is welcomed and makes an effective sustainable use of the site. The proposed uses would provide active frontages throughout the day and evening to both West Street and Middle Street, which is welcomed, and a significant improvement upon the existing nightclub use.

The potential for A1/A2 uses is considered acceptable in this location without the sequential test assessment that is strictly required for town centre uses outside of a defined centre. This is because of the site's location with the central Brighton area defined by Policy SA2 and the broad compliance with that policy, the proximity to the regional centre and the proposed major new retail development expected through the expansion of Churchill Square as set out in City Plan Policy DA1.

For A3/A4 uses, the proposed scheme would provide a much larger potential floorspace (approx. 570sqm public floor area of a total 844sqm over 2 floors) than stated under Local Plan Policy SR12 (150sqm). The site is within 400m of other similar large establishments and there is concern regarding a large A4 drinking establishment use here in particular given the potential for increased noise and disturbance and anti-social behaviour. As a result of this, together with the comments of the Sussex Police, on balance it is recommended that the main large A4 use should be prohibited and any ancillary A4 use be restricted to solely to an element of less than 150sqm by condition, notwithstanding the fact the scheme replaces a previous nightclub.

The hotel would be located within the identified central city zone for such uses in the City Plan. The site is well located in a central location close to amenities, tourist attractions, public transport and public car parks. The Hotel Impact Assessment submitted is considered robust and demonstrates the city's tourism economy is growing and that additional visitor accommodation is needed to meet demand and would not adversely impact existing provision. The proposal will bring new jobs to the city and is supported by the Council's Regeneration Team. Further jobs and use of local labour will be secured via a Section 106 agreement towards the Local Labour Scheme and construction training.



Regeneration of this in site in principle is particularly welcomed from a visual point of view. The site is located within the Old Town Conservation Area and currently detracts from it and the proposal would be a significant improvement.

**8.4 Design and impact to the character and appearance of the locality and heritage assets:**

The site is located within the Old Town Conservation Area and lies within the setting a number of listed buildings.

The applicant has carried out a thorough assessment of the impact the proposal would have on designated heritage assets and the overall visual amenities of the locality and has submitted extensive supporting information with the application. A structural report has been submitted to demonstrate the very poor state of repair of 7 Middle Street.

It is considered that the proposals would enhance the appearance and character of the Old Town conservation area and would preserve the setting of the nearby listed buildings in West Street and Middle Street for the reasons stated in the Heritage Team comments in section 5 of this report. CAG are supportive of the scheme.

Historic England are generally supportive of the scheme and agree that the overall wider scheme will help regenerate and enliven this rundown and neglected part of the conservation area. Their comments with regard to 7 Middle Street are noted, and it is recognised that this 1867 Italianate frontage has some value, however, this end was substantially altered in the 1970s and has a bulky plain south elevation (seen from South Street) and a blank ground floor frontage that harms the street scene. The building is in a very poor state of repair and that works to bring it back into a usable state of repair would be extensive. Such repair would be possible but would be more costly than demolition and rebuild. The NPPG states that "disrepair and damage and their impact on viability can be a material consideration in deciding an application". Number 7 Middle Street does contribute positively to the conservation area but is somewhat atypical for the Old Town area in its height and scale, particularly for Middle Street, and is a later development than much of Old Town. Moreover its 'twin' façade in West Street was demolished long ago. All of these factors combined suggest that its significance is modest and that its contribution to the significance of the conservation area as a whole is minor, so that the loss of the building would amount to less than substantial harm, not substantial, and should therefore be judged against the test in paragraph 134 of the NPPF. Therefore its loss must be judged against the public benefits of the scheme and these benefits are considered to include that this scheme as a whole would enhance the appearance and character of the Old Town conservation area.

As can be seen from the council's Heritage team comments, they are satisfied that the loss of 7 Middle St is clearly and convincingly justified and that what replaces it is of sufficient quality and any harm caused is outweighed by the public benefits of the wider scheme, as required by the NPPF. A condition is recommended to ensure no demolition takes place until a contract is in place for its replacement.

There is no objection to the demolition of the former Victorian concert hall building, which was always a long plain 'shed like' structure externally, and which has modest historic interest only (though some internal features survive behind the modern nightclub finishes). The Standing Buildings Assessment suggests that the basement level may include remnants of the earlier Thrales' house and a watching brief would be required by condition if permission is granted. The 1969 frontage to West Street is very harmful element in the street scene and its loss is very much welcomed.

The proposal is considered to preserve the setting of nearby listed buildings including the grade II listed 77 West Street.

This is an unusual site, being a long linear footprint spanning the whole length between West Street and Middle Street, with the main part of the site being largely hidden from view. The Tall Buildings assessment and other supporting information submitted with the application are considered to satisfactorily demonstrate the proposal would have an acceptable impact on the immediate and wider locality including key views. This is confirmed by the Heritage Team who held constructive pre-application discussions with the applicant. It is considered the scale and massing of the blocks behind frontages are appropriate and not overly dominant in views and are in keeping with the established form of the historic townscape and varied roof line.

The new West Street and Middle Street frontages are clearly contemporary in design but have taken strong contextual reference, in their scale, rhythm and proportions, from the 19th century buildings and they would form a coherent 21st century recreation of the 1867 'bookends' to the site.

The detailing and materials proposed would ensure a suitably high quality development, subject to approval of samples by condition. In this respect the choice of stone cladding, to achieve the appropriate texture, would be especially important. The new frontage to West Street would be a particularly positive addition to the street scene and would be respectful to the adjacent listed building at number 77. The Middle Street frontage would still be taller than is typical for this street but would be significantly lower at the frontage than the existing building and would not be unduly intrusive in the street scene. The attractive and active ground floor frontage would be a particular benefit to the area.

The only public viewpoint where the scale of the development would be apparent from would be South Street, if the concomitant application for the adjoining site were not to be developed or were to be delayed. The blank south end elevation of the central 6 storey block would be prominent, although it is accepted that the existing buildings on the site present a largely blank and unattractive backdrop to South Street. The full height link through to the Middle Street block would result in a substantial massing and amended plans have been received that are considered to satisfactorily reduce the cluttered massing of the roof level and provide a more coherent outline.

The submission of the Masterplan document and visuals is welcomed and it is considered to demonstrate how the scheme and that of the adjacent site have been carefully thought out and ensures a consistent and complimentary approach. It demonstrates that each scheme is capable of being implemented successfully individually or together.

The site has potential archaeological interest and given the comments of the County Archaeologist it is considered that conditions can satisfactorily deal with this aspect.

#### **8.5 Impact on Amenity:**

The site is located in a very busy central location which is relatively noisy. The area has significant late night activity.

The council's Environmental Health team are satisfied that provided appropriate mitigation measures are implemented, there would be no adverse effect to prospective occupiers of the development that could lead to complaints. This includes enhanced glazing and ventilation and other noise prevention measures. These would also ensure nearby existing occupiers are protected and the night time economy is not unduly compromised. These measures can be conditioned. Whilst the proposal will undoubtedly introduce more people and activity into the area this is encouraged and is acceptable given its sustainable city centre location.

The impact of the proposal in terms of light and privacy on existing neighbours has been assessed and is considered acceptable. A Daylight/Sunlight assessment has been submitted and its methodology and conclusions are concurred with. It states no neighbouring windows would suffer unacceptable loss of daylight or sunlight as defined under BRE standards. In fact the situation would improve for some neighbours by the removal of a large wing of the building and a reduction in height at the Middle Street end.

It should be recognised that this is central high density location and the proposed relationship between proposed and existing windows/properties is considered typical of the area and the development would be located sufficient distance way so as not to result in undue loss of amenity.

A Construction Environmental Management Plan (CEMP) is secured via S106.

In terms of crime prevention, the views of Sussex Police are noted and it is considered that provided the measures stated by the applicant are implemented (and Secure By Design accreditation achieved) the proposal would not unduly compromise security. There are however concerns regarding a large A4 use in this location given the potential for anti-social behaviour in close proximity to other large pubs, and the Police support the restrictions stated within policy SR12. A prohibitive condition is therefore imposed to prevent this use and limit it to a solely ancillary element of under 150sqm in floor area. Restrictive hours of operation are recommended to ensure the A1/A2/A3 uses are not open very early or very late.

**8.6 Sustainable Transport:**

The council's Highways team support the proposal provided appropriate conditions and S106 obligations are secured.

The site is centrally located to take advantage of the public transport, pedestrian and cycle networks and public car parks. The lack of site car parking, including disabled, is therefore considered acceptable in principle. The proposal will generate demand for travel and a financial contribution is sought towards enhancement of sustainable modes to address this. Enhancement of the pedestrian network in particular is sought, in line with policy TR9. In addition, a Travel Plan is sought. Satisfactory cycle parking can be secured by condition to serve the development. A Delivery and Servicing plan can ensure this aspect is satisfactorily addressed.

A CEMP will cover the development and this will satisfactorily manage construction traffic and other highways issues during construction.

**8.7 Sustainability:**

The proposal is considered to be sustainable. It makes effective and efficient use of the site. It incorporates sustainable design features and the submitted pre-BREEAM assessment indicates the hotel development is able to meet a standard of 'excellent', as per the requirements of policy CP8. The council's Sustainability Officer supports the scheme.

The proposal would enhance biodiversity through the inclusion of green roofs and walls and bat and bird boxes.

**9 CONCLUSION**

There is no policy objection to the loss of the existing nightclub building. The introduction of a new hotel and A1/A2/A3 uses is considered acceptable in this city centre location and would provide welcomed active frontages. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The loss of 7 Middle Street frontage has been convincingly justified and the benefits of the scheme are considered to outweigh any harm. The proposal would not compromise the setting of nearby listed buildings. The proposal would bring jobs and would improve the tourism offer of the city. The proposal would make effective and efficient use of this large city centre site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates.

This scheme would deliver welcome regeneration of this site is considered to have significant benefits. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism and commercial uses, therefore approval is recommended.

**10 EQUALITIES**

The site is flat and has flush thresholds access. Disabled car parking is nearby. An accessible lift is proposed in the hotel. 7 'accessible' hotel rooms are proposed.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

S106 Heads of Terms

- Submission of a Construction Environmental Management Plan
- A financial contribution of £62,050 towards the council's Local Employment Scheme
- Submission of an Employment and Training Strategy, with a commitment to using at least 20% local labour.
- Incorporation of an artistic element within the site itself or as artistic public realm 'influence' in its immediate vicinity to the value of £49,500
- A financial contribution of £12,000 towards sustainable transport enhancement in the form of pedestrian improvement in the following locations: a) Vehicle crossover 9-12 Middle Street make flush and fully accessible, b) Vehicle crossover 38-39 Middle Street make flush and fully accessible and realign kerb line, c) Prince Albert Street/Black Lion Street make pedestrian crossing flush, d) South Street/Middle Street dropped kerbs and tactile paving

- 1) 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.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below [full list to be inserted into the Late List].

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

- 3) The ground and basement floor fronting West Street shall be used as flexible retail, financial or professional services or restaurant/café uses (Use Classes A1, A2 and A3) only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority. Furthermore, any ancillary bar/seating area dedicated solely to the consumption of alcohol associated with the uses hereby approved shall not exceed 150sqm in area.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and as a large A4 bar use is not considered appropriate in this location in the interests of crime and noise prevention, to

PLANNING COMMITTEE LIST – 13 July 2016

comply with policies SU9, SU10, SR12 and QD27 of the Brighton & Hove Local Plan and SA2, CP4, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 4) The A1, A2 and A3 use class premises hereby permitted shall not be open to customers except between the hours of 07.00 hours and 00.00 hours on Mondays to Saturdays and 08.00 hours and 23.00 hours on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10, SR12, and QD27 of the Brighton & Hove Local Plan.
- 5) 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 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 of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 6) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 7) No development above ground floor slab level shall take place until full details of all facades, entrances, canopies, shopfronts, balconies, railings/ironwork, cladding, fenestration and windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 8) The works of demolition hereby permitted shall not be begun until documentary evidence is produced and submitted to and agreed in writing by the Local Planning Authority to show that contracts have been entered into by

the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 9) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- (i) details of all hard surfacing;
  - (ii) details of all boundary treatments;
  - (iii) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE6 and QD15 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 10)(i) No development, including demolition, shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under part [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 11) No development, including demolition, shall take place until a scheme to protect the listed bollard in front of 77/78 West Street from damage during demolition and construction works has been submitted to and approved in

writing by the Local Planning Authority. The agreed scheme shall be implemented during the duration of the construction.

**Reason:** To comply with policies HE1, HE3, HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 12) Unless otherwise agreed in writing by the Local Planning Authority, the commercial A1, A2 and A3 use class premises and Hotel development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 13) 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 living '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 on the site and in accordance with policies CP8 and CP10 of the City Plan Part One.

- 14) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP8 and CP10 of the City Plan Part One.

- 15) 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 national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

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+A1:2013;

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.

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 the above part (c) that any remediation scheme required and approved under the provisions of part (c) above 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:

- (i) built drawings of the implemented scheme;
- (ii) photographs of the remediation works in progress;
- (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 and QD27 of the Brighton & Hove Local Plan.

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until 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 policy SU11 and QD27 of the Brighton & Hove Local Plan.

17) The development hereby permitted shall not be first occupied until evidence that the acoustic mitigation measures listed within the 7th Wave Report dated 10th June 2016; reference 1075.002R.2.0.RS have been incorporated within the development have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented.

**Reason:** To safeguard the amenity and living conditions of neighbouring properties and future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

18) Within 6 months of development commencing (excluding demolition), the applicant shall submit a written scheme for approval to the local planning

authority to demonstrate how and where ventilation will be provided to the various premises/properties including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality. The agreed scheme shall be implemented prior to first occupation.

**Reason:** To safeguard the amenity and living conditions of future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

19) (i) Within 6 months of the commencement of the development (excluding demolition), details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E4, or similar guidance recognised by the council.

(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part (i).

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

**Reason:** Reason: To safeguard the amenities of the occupiers of adjoining properties and the locality in general to comply with policies HE3, HE6, QD25 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

**Reason:** In the interests of crime prevention in this busy central location, to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

21) No development above first floor level shall take place until details of a minimum of 10 bird boxes aimed at starlings and swifts and 5 bat boxes have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, location and timescale for implementation of the bird / bat boxes. The scheme shall then be carried out in strict accordance with the approved details.

**Reason:** To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

22) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place, hours of deliveries and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

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

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

24) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

26) No development shall commence until a scheme for the provision of surface water drainage works and proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The works shall be completed in accordance with the details and timetable agreed.

**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

27) Within 6 months of the date of commencement of development hereby permitted (excluding demolition) evidence shall be submitted to demonstrate that any new energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;

b) A route onto and through the site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

**Reason:** In the interests of sustainability, to comply with Policies CP8, SA2 and DA1 of the Brighton & Hove City Plan Part One.

28) Prior to first occupation of the development hereby permitted full details of any proposed extraction/ventilation and associated odour control equipment fitted to or within the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of each unit of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and visual amenity and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

29) Prior to first occupation of the development hereby permitted a scheme for the sound insulation of the odour control equipment referred to in the condition set out above shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of each unit of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

30) Unless otherwise approved in writing by the Local Planning Authority, no plant or equipment shall be erected or installed on the roofs except where specifically shown on the drawings hereby approved.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE6 of the Brighton & Hove Local Plan 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.

## PLANNING COMMITTEE LIST – 13 July 2016

2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

There is no policy objection to the loss of the existing nightclub building. The introduction of a new hotel and A1/A2/A3 uses is considered acceptable in this city centre location and would provide welcomed active frontages. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The loss of 7 Middle Street frontage has been convincingly justified and the benefits of the scheme are considered to outweigh any harm. The proposal would not compromise the setting of nearby listed buildings. The proposal would bring jobs and would improve the tourism offer of the city. The proposal would make effective and efficient use of this large city centre site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism and commercial uses.
3. 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)
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. 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) Southern Water informative regarding connection to the sewer.
5. The applicant is advised to contact Southern Water to discuss the detailed design for the proposed basement as it should take into account the possibility of surcharging of the public sewerage system in order to protect the development from potential flooding.
6. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the council receive a complaint, they are required to investigate under

the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring.

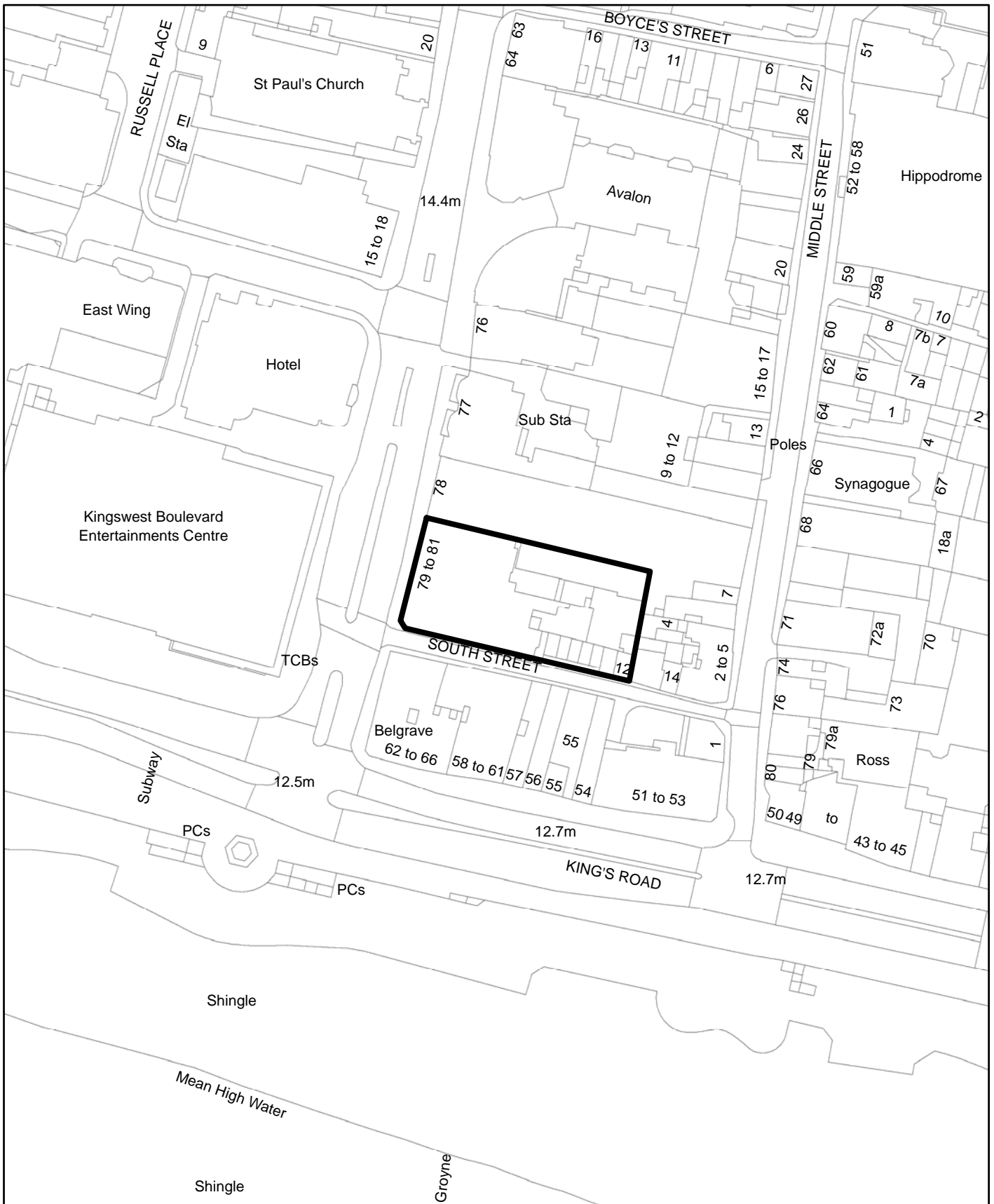
7. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is in a special stress area and the applicant would have to have extra regard to licensing objectives.
8. 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)).
9. 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)).
10. The Travel Plan in condition 23 above shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - (ii) A commitment to reduce carbon emissions associated with leisure and business travel:
  - (iii) Increase awareness of and improve road safety and personal security:
  - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
  - (v) Identify targets focussed on reductions in the level of car use:
  - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
  - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
  - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
  - (ix) Provide the all hotel residents with necessary information to make informed decisions on the sustainable travel options available to them when travelling to the site and within the city during their stay.

# **ITEM B**

**8-12A South Street & 79-81 West Street,  
Brighton BH2015 / 04575  
Full Planning**

**13 July 2016**

# BH2015/04575 8-12A South Street & 79-91 West Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04575</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8-12A South Street &amp; 79-81 West Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of garage / storage buildings at 8 - 12a South Street and two storey rear wing at 81 West Street. Construction of part 3, 4, 5 and 6 storey plus basement buildings to provide 91 hotel rooms (C1 use comprising 69 standard rooms, and 22 micro rooms), new ground floor kitchen and refuse store to 81 West Street and provision of 3no two bedroom flats and 1no one bedroom flat (C3 use) fronting South Street. Demolition and extension of roof level structure at 79 West Street to provide 11no additional backpacker hostel rooms (Sui Generis). Enclosure of external stairs. Reinstatement of public footpath in South Street.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale Tel 292175</b>	<b><u>Valid Date:</u></b>	<b>25/01/2016</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>E.O.T:</u></b>	<b>13/08/16</b>
<b><u>Listed Building Grade:</u></b>	<b>Within setting of Grade II listed buildings</b>		
<b><u>Agent:</u></b>	<b>Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA</b>		
<b><u>Applicant:</u></b>	<b>Smart Space UK, Mr Afshin Foulad, 101 Marylebone Road, York Gate, Regents Park, London NW1 5PX</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 South Street is located between the bottom (south) of West Street and Middle Street in the city centre. It is a one-way single track road and has a mix of residential, commercial and storage/garaging uses along it. It has a feel of a rear service road and is rather run down, with a number of refuse containers located within it, although some properties do front onto it.

8-12A South Street is partly vacant and partly comprised of several small scale buildings (in a poor state of repair) used as storage/garaging and also as an outdoor area for the Walkabout public house. The building to the east of the site (no.12) has the appearance of a former house with undercroft area and has been used for storage. It is in a poor state of repair with boarded up windows.

79-81 West Street is an existing backpackers hostel (of approx. 230 bed spaces) located above the Walkabout public house.

The site is bordered by the high wall of the existing night club building to the north, and South Street to the south. To the east are residential properties and a hotel.

The site is located within the Old Town Conservation Area. It is located on the boundary of the Brighton Centre and Churchill Square Development Area and within the Central Brighton Area as defined in policies DA1 and SA2 in the Brighton & Hove City Plan Part One.

### 3 RELEVANT HISTORY

**BH2001/02842/FP** Redevelopment of site to provide part 3, part 4 storey hotel with associated landscaping to courtyard. Granted 17/05/02.

**BH2001/02849/CA** Demolition of existing office building and garages. Granted 17/5/02.

**(79-81 West St):BH2001/01716/FP** Removal of conditions 12 and 13 of BH1998/00190/FP for use of premises as pub and staff flats, to lift restriction on use of courtyard for cycle and refuse storage only. Granted 17/05/02.

There have also been a number of withdrawn applications for redevelopment of the site.

Pre-Application Consultation: With Planning, Heritage, Transport and Environmental Health officers. The applicant also carried out a public consultation exercise. The application was presented at the pre-application stage to elected members at a briefing session on 27th October 2015.

### 4 THE APPLICATION

- 4.1 Planning permission is sought to demolish the garage and storage buildings at 8 - 12a South Street and the two storey rear wing at 81 West Street. It is proposed to construct a part 3, 4, 5 and 6 storey plus basement buildings to provide a new hotel with 91 rooms (comprising 69 standard rooms, and 22 'micro rooms'). A new ground floor kitchen and refuse store is proposed to 81 West Street. It is also proposed to demolish and extend part of the roof level structure at 79 West Street and enclose external stairs to provide 11no additional backpacker hostel rooms which have a potential to accommodate up to 60 additional bedspaces (giving a total for whole hostel of about 290 if every single bed is taken).

It is proposed to erect a 4-storey building adjacent to 13 South Street to provide 3no two bedroom flats and 1no one bedroom flat fronting South Street. This would be located over a basement associated with the hotel canteen.

The application site measures 0.14Ha, including the footprint of the retained 79-81 West Street buildings. The proposed scheme has a total gross internal area of 3,319.2m<sup>2</sup> (proposed hotel = 2,721.6m<sup>2</sup>; proposed flats = 315.2m<sup>2</sup>; proposed roof extension = 282.4m<sup>2</sup>).

It is proposed to reinstate the public pavement on the north side of South Street where the garages are located which is currently missing.

The applicant has submitted an indicative Masterplan which covers this site and that adjacent to the north (78 West Street-7-8 Middle Street night club building). This indicative plan shows how this application and that for the adjacent site (BH2015/04577) could be developed together or independently.

Amended drawings and additional supplementary information have been submitted – including more traditional mansard roof design to West Street and addendums to the noise and transport assessments. Also the roof terraces fronting South Street have been relocated to the rear, the cycle parking amended and more windows introduced to the micro hotel rooms. An additional indicative plan showing enhancements to the safety and environment of South Street has also been submitted.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

**One (1)** letter of representation have been received from **Casablanca Jazz Club 2-5 Middle Street** objecting to the application for the following reasons:

- Loss of privacy
- Overshadowing/Loss of light
- Design out of character with area
- Overdevelopment/excessive scale
- Impact to door used as smoking area for nightclub
- Traffic congestion
- Refuse congestion
- Too many licensed premises in area

**One (1)** letter of representation has been received from **Flat 2, 16 South Street** supporting the application.

5.2 **Brighton & Hove Archaeological Society:** Comment. The development lies in the centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or reformation periods. A development, located close to this one carried out during the 1990's revealed traces that may possibly have been old harbour frontage. It is possible that other archaeology may remain underground and view of the County Archaeologist should be sought.

5.3 **Conservation Advisory Group (CAG):** Approval is recommended. Care needs to be taken to protect small characterful buildings at east end of South Street. There needs to be a full archaeological survey. New mansard roof on West Street looks rather modern and a more sympathetic design would be welcomed [note: amended plans received showing this].

5.3 **County Archaeologist:** Comment. The submitted archaeological desk based assessment and Heritage Appraisal are useful, which include an assessment of standing buildings. The assessment identifies particular potential for ice age

geological deposits, a moderate potential for Bronze Age and Romano-British evidence and a high potential for archaeological interest with regard to below ground evidence for the post-medieval development of the site and with respect to elements of the standing buildings. A programme of archaeological works is therefore recommended by condition.

- 5.4 **County Ecologist:** Support. Provided recommended mitigation measures are implemented the proposal is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

The biodiversity survey carried out is sufficient to inform appropriate mitigation. Given the nature scale and location of the proposed development there are unlikely to be any significant impacts on sites designated for their nature conservation interest. The site comprises buildings and hardstanding within an urban setting and is relatively low ecological interest. The site has potential for nesting birds and demolition should take this into account. A nesting bird check would need to be carried out by an ecologist. Bird boxes/alternative roosting should be provided to compensate for any loss. The site offers opportunities for enhancement including use of species of known value to wildlife within landscaping and provision of green walls and roofs. Native species of local provenance should be used. The green roof should be a biodiverse roof instead – a chalk grassland mix is appropriate.

- 5.5 **Historic England:** Support. The site lies in an area which developed in the 18<sup>th</sup> century with a mix of small scale buildings that were part of the old fishing town of Brighthelmstone. These were gradually developed by larger late 19<sup>th</sup> century buildings as Brighton expanded its hotel and entertainment offer. Whilst many of the buildings have been altered or redeveloped over the years, the tight grain of the streets and sense of enclosure create a very distinctive character to Brighton's Old Town Conservation Area.

HE is supportive of the redevelopment of this largely run down service area. Whilst 12 South Street has a consistent domestic scale and appearance with that of other attached buildings to the east it is not of sufficient historic or architectural value to the conservation area to insist on its retention. It is considered that overall this proposal will improve the appearance of this part of South Street helping to create a more vibrant quarter of Brighton in line with the objectives of the NPPF policies regarding sustainable development and the historic environment.

Quality of design material and detailing will be essential to ensure the development makes a positive contribution to the conservation area. The new roof extension to West Street needs to be high quality. The LPA will need to ensure the scale and massing of the blocks behind frontages are appropriate and not overly dominant in views and are in keeping with the established form of the historic townscape and varied roof line.

- 5.6 **Southern Gas Networks:** No objection.

- 5.7 **Southern Water:** Comment. A public sewer may need to be diverted, at the developers expense to the satisfaction of SW. Foul sewage and a water supply can be provided to the development. An appropriate condition and informatives should be added to the permission.
- 5.8 **Sussex Police:** Comment. Perimeter security and access control are going to be paramount in ensuring the safety and security of the development, both for the hotel and private dwelling's environment. Concerns expressed regarding the impact of such a development on Sussex Polices resources as has potential to create additional footfall and anti-social behaviour across city centre. Supportive of proposed security measures.
- 5.9 **UK Power Networks:** No objection.

**Internal:**

- 5.10 **CityClean:** Comment. CityClean would not collect from commercial premises. The bin store for the residential flats is acceptable.
- 5.11 **City Regeneration:** Support. Proposal will deliver welcome regeneration of the area plus will provide hotel and hostel accommodation to help meet demand for wide range of visitors to the city. Proposal will improve and diversify areas commercial and tourist offer through streetscape improvements and new uses. The proposal will create jobs (approx 30 from the hotel). Indirect benefits and induced benefits will also benefit neighbouring businesses and the wider local economy. Care should be taken to ensure night-time economy businesses adjacent are not negatively affected.

In accordance with the Developer Contributions Guidance a contribution of £30,040 towards the council's Local Employment Scheme is sought, and an Employment and Training Strategy is also required, with a commitment to using at least 20% local labour.

- 5.12 **Environmental Health:** Recommend approval subject to conditions. Given the location in close proximity to uses which generate high levels of noise late into the night it is critical that any uses introduced are well thought out and have adequate level of protection necessary to afford the end users the ability to use their properties/commercial spaces.

The proposal has been assessed on its own and together with the concurrent application to develop the site to the north. The Site Investigation report identifies likely asbestos in the buildings and recommends a discovery strategy to ensure no unexpected or unidentified contaminants are appropriately dealt with. This can be conditioned.

The submitted acoustic report is considered robust. In their unmitigated form, the air source heat pumps and the canteen extract/kitchen extract have the potential to cause significant noise impact to existing residents and new hotel users. Mitigation measures are recommended in the report to reduce incident noise levels to the councils required 5dB(A) below background target. This requires both an inline attenuator in the kitchen extract and acoustic louvres

around the air source heat pumps. Mitigation measure such as enhanced glazing are needed against city centre entertainment/environmental noise. This may mean windows cannot be opened and a need for mechanical ventilation is therefore required. There is potential for courtyard noise. Enhanced glazing and use of absorbent panels in the courtyard would assist the reduction of the reverberation within this area. If the nightclub site to the north is not redeveloped the South Street site would not rely on a party wall as it utilises a separate wall with appropriate air gap and sufficient separation to address both airborne and structure borne onward transmission of sound. A 2 meter screen to the private outdoor amenity areas to the proposed flats is required to help noise reduction. A CEMP is needed given the scale of the scheme.

With regard to air quality, based on past monitoring, the entire street meets standards for nitrogen oxide and other pollutants, therefore there are no policy issues (SU9) with regard to introducing new residents in the area. More information is needed regarding traffic movements and a CEMP is needed with a clear policy on construction traffic routes. Strongly recommend that this site on boundary of AQMA and high density city centre avoids a combustion plant with emissions to air and suggest selection of electrical heating.

- 5.13 **Heritage:** Support. It is considered that the proposals would enhance the appearance and character of the Old Town conservation area and would preserve the setting of the nearby listed buildings in West Street.

This site lies within the Old Town conservation area, which represents the original extent of Brighthelmstone as a fishing village and is an area of generally small scale buildings set in a tight knit urban grain with a mix of architecture, but predominantly 18th and 19th century, and a mix of commercial, leisure and residential use uses. Old Town is bounded by North Street, West Street and East Street with the seafront to the south. West Street is a main thoroughfare that has been subject to significant redevelopment in the 20th century. South Street is a narrow service road that has suffered from some 20th century demolition and neglect.

Numbers 80-81 West Street consist of the hotel building of 1882 by Lainson & Sons in Queen Anne revival style, with a three storey addition at number 79 more standard late Victorian style, stucco rendered with canted bays and a heavy parapet cornice typical of the period but a flat roof.

The history and development of the South Street site has been fully assessed in the supporting documentation. The majority of the site now consists very late Victorian or Edwardian structures that were architecturally low key originally and have been subject to incremental alteration and later neglect, such that all that remains is of minor historic interest. The most interesting buildings, 2 and half storeys dwellings with gambrel roofs, were demolished soon after 1938 and the resulting unsightly gap in the street is now occupied by derelict garages. At the western end is a late Victorian former billiard room, a two-storey rendered building with a hipped slate roof with a flat central top section (formerly a lantern). This building is in use in connection with the adjacent hotel building on the corner of West Street and is in good condition. It has horizontal banded

rustication on the ground floor with a cornice under the first floor window sills and has some architectural and historic interest.

Number 77 West Street is a grade II listed building, a double fronted detached property with segmental bays dating from the early 19th century and adjacent to it is a grade II listed cast-iron post dating from the 18th century, being all that remains of a post and chain fence which once stood outside the house which was, at one time, occupied by Henry and Hester Thrale, friends of Dr Johnson. Across West Street is the grade II\* listed Church of St Paul, which is a distinctive local landmark.

These proposals have been subject to constructive pre-application discussions. The principle of redeveloping this site is very welcome as the gap in the street frontage and the dilapidated structures and refuse storage area very much detract from the appearance and character of the Old Town conservation area. The Standing Buildings Assessment and Heritage Assessment show that the existing buildings on the site proposed for demolition are generally of little surviving architectural interest and of only minor historic interest. The reinstatement of a terrace of buildings hard onto the street would return South Street to something more like its 19th century urban grain and street character, albeit that the new buildings would be a storey or half a storey higher. The proposed design appropriately reflects the mixed plot widths and informal roofline that is characteristic of this former service road and the mix of facing materials helps to reinforce this informal character. The former Victorian billiard hall to the west end of the site is architecturally more impressive and the loss of its first floor and roof would cause some harm to the historic character of the area but would enable the creation of a coherent height and massing to the street.

Behind the street frontage the development rises to six storeys (over basement) with the tallest element at 20.4m. However, it has been satisfactorily demonstrated that due to the topography, tight urban grain and dense building form of the area this tall block would not be visible at all from outside the site and therefore would have little impact on the appearance of the conservation area. The new frontages on South Street would appear 3 storey from street level and would screen the taller element behind. The T-shaped footprint of the development, with open courtyards to the east and west of the tall block, would ensure that there would be some reflection of the traditional openness of the site behind the street frontage, as demonstrated in the Heritage Assessment. The proposed uses would cause no harm to the character of the area and whilst the development would be at high density it would not overwhelm its historic context. Larger scale elevation details would be needed by condition if the application is approved.

The proposal also involves a 'mansard' roof addition to 79 West Street. The building is flat roofed (probably as a result of 20th century alterations) and this addition would not involve any loss of, or alteration to, historic roof form but would enable the removal of unsightly roof-top staircases which can be partly seen from street level. This roof extension would not be out of scale with the building itself and the extended building would still remain clearly subservient in

scale to its ornate neighbour at 80/81 and would not harm the setting of the 77 West Street. Revised plans of the roof extension are considered an improvement and are acceptable.

The application includes reinstatement of the missing section of footway in South Street in front of the development and this is welcomed. No details of this have been provided but could no doubt be dealt with by a landscaping condition. It is noted from the historic photograph in the Heritage Assessment that the footway here originally appeared to have been brick, which would be characteristic of Old Town, and it would be highly desirable to restore this material for the new footway.

**5.14 Private Sector Housing:** Comment Although there are concerns about the size and ventilation/natural light shortage in the ‘micro rooms’ as they are hotel rooms they are beyond the remit of the Housing Act 2004. The hostel is similarly not covered. The layout of the self-contained residential flat is acceptable although there are concerns about providing residential units in such a central location.

**5.15 Planning Policy:** Comment There is a presumption in favour of sustainable development and policies in the Local Plan and City Plan encourage making more efficient use of sites. The principle of bringing vacant premises and land back into active use is welcomed.

The key policy issues relate to the loss of ‘employment’ space and how the proposed hotel, in conjunction with the hotel proposed on the adjacent site, would add to and impact on the current supply and offer of accommodation and whether the proposal has the ability to create new demand and how it might meet needs currently unsatisfied in the city.

Further information regarding the history of the storage/employment space is required as it appears it was previously described as office space in a planning application in 2001 (see history section in this report). There is a need to establish how long the buildings have been vacant and/or used as storage as policy resists loss of office space. A more detailed Hotel Impact Report has been submitted since the application was first registered, and is considered to meet the requirements of City Plan Policy CP6. It sets out how the ‘SmartSpace’ element of the scheme which offers micro-rooms will meet a need currently unsatisfied in the city, and demonstrates how citywide occupancy rates have increased in recent years. It is further noted that Visit Brighton have commented on the previous version of the Statement and have confirmed that it is reasonable and in line with their knowledge of the hotel market in the city

City Plan policies CP5, CP7 and CP13 support the provision of public art within development schemes. A contribution of £26,000 is sought based on past levels sought for such sized developments.

**5.16 Sustainability:** No objection subject to imposition of appropriate conditions relating to BREEAM and energy and water use. City Plan policies CP8 and DA1 are relevant.



The development as a whole has been designed with a ‘fabric first’ approach, using a combination of low u-values and low levels of air leakage to minimise heating and Passive design measures are to be considered and implemented where possible. The residential units would use both fabric efficiency and Low and Zero Carbon technologies to achieve the carbon reduction target. Both uses would seek to reduce water usage. The proposed new hotel commits to meeting BREEAM ‘excellent’, in compliance with policy CP8 and a Pre-BREEAM Assessment has been submitted to evidence this. This assessment demonstrates that across key sustainability policy areas the scheme addresses sustainability well. Due to the tight urban nature of the site space for external low and zero carbon technologies is limited but a PV array is proposed and heat pump technology and to achieve ‘excellent’ some renewables is required. Green walls are proposed to cover 40sqm and green roofs 50sqm which reduce the heat island effect and enhance biodiversity. The site is located next to the DA1 area which encourages low and zero carbon decentralised energy and heat networks in particular and a development should therefore ensure any energy plant is designed with capacity for connection to a future district heat network given the policy requirement in DA1 for this.

The new hostel rooms would meet BREEAM ‘very good’ which is considered acceptable given the scale of the newly extended part which is ‘non-major’.

- 5.17 **Sustainable Transport:** Comment. Approval should not be granted unless the footway width and South Street access is improved. The existing pavement measures just 600mm wide and is unacceptable being on the main route for guests to the hotel and is contrary to policies CP9 and TR7. Data suggests there is a peak in vehicle movements at night and patrons of the hotel (and residents) could be endangered. The proposal could cause serious safety problems and whilst the applicant is agreeable to reinstating the missing footway, the Highway Authority would wish to see further substantial improvements to enable guests to walk safely. A shared space or increased footway and entry treatments should be considered. Further street lighting should also be considered. The detailed design of such measures should be agreed in conjunction with the Highways Authority.

Further details of cycle parking required. A Travel Plan is needed to encourage use of sustainable modes for travel to the site for staff and visitors. Lack of car parking is acceptable in this central, sustainable location. New residents should be prevented from obtaining parking permits to ensure the development is genuinely car-free. Some deliveries (3 per week) will happen on South Street, other deliveries will occur in loading bays on Middle Street. Taxi loading/unloading will occur on West Street. Refuse will be collected from West Street via a lift platform. Whilst no on-site disabled parking is proposed the Highway Authority is satisfied there is sufficient space within nearby car parks or disabled spaces in Middle Street.

The increase in person trips generated by the development can be mitigated by additional highway improvements and S106 contributions to improving pedestrian infrastructure in the area. The cumulative impact of this proposal

together with that to the north is acceptable given the central sustainable location and proposed mitigation. A section 106 contribution is required of £71,360 for highways improvements in the area (excluding South Street) calculated in accordance with the Developer Contributions Technical Guidance. This could go towards routes between the development and amenities and attractions in the Old Town, the wider city centre and key transport hubs.

A CEMP is required to cover construction routes, mitigation etc.

It is recommended that conditions relating to the following are imposed:

- Public realm/safety/accessibility improvement in South Street
- Cycle parking scheme
- Delivery & service management plan
- Car free housing
- Travel plan
- CEMP

- 5.18 **VisitBrighton: Support**. Welcome the proposal in principle. It will enhance the city's accommodation offer, and potentially attract and support tourism outside of the main season, which is encouraged. It is vital that the city is able to support its tourism and business conference economy by providing sufficient and wide ranging type and cost of accommodation to cater for visitors.

The proposal will do much to improve the environment in South Street which is a very run down and neglected area. It is critical that an area so close to both leisure and business tourism facilities is regenerated to maintain the city's image as a premier tourist destination.

It is crucial we continue to innovate the city's facilities in order for our tourism offer to remain competitive. The concept of micro rooms is a booming area - hotels skimp on space but not on amenities or services. The argument is that whilst staying in a city location you spend minimal time in your room. It is known that Z Hotels are doing exceptionally well with the concept. Smaller rooms means cheaper room rates which it is suggested fulfils a need in the city.

The submitted Hotel Impact Assessment appears very reasonable and ties in with what the council knows about the market.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 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	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix
DA1	Brighton Centre and Churchill Square Area
SA2	Central Brighton

#### Brighton & Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations

QD15	Landscape design
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM9	Mixed uses and key mixed use sites
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings
Guidance on Developer Contributions	

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development

## **8 CONSIDERATIONS & ASSESSMENT**

The main considerations in the determination of this application relate to:

- Principle of demolishing buildings in a Conservation Area
- Principle of the proposed hotel/hostel/residential uses in this location
- Impact to tourism and the economy
- Impact to the visual amenities of the locality including the Old Town Conservation Area and setting of nearby listed buildings
- Impact on amenity of existing and prospective occupiers
- Crime prevention
- Transport demand and sustainable transport accessibility
- Sustainability
- Biodiversity

### **8.1 Planning Policy Context:**

The main policies that are relevant to this application are stated below.

City Plan policy DA1 'Brighton Centre and Churchill Square Area' is relevant to this proposal as, whilst not located within the defined Development Area, the site does have a boundary with it to the west. The policy states that it seeks to 'secure a new state of the art conference centre in a landmark new building to benefit the city and the region and to sustain the tourism and service economy for the next 30 years, positioning Brighton & Hove as one of Europe's leading conference and meeting destinations. The redevelopment of the Brighton Centre will form part of a comprehensive scheme including the extension of the Churchill Square Shopping Centre and new leisure facilities'.

The site is located within the Central Brighton Area defined in City Plan policy SA2, the main aim of which is 'to reinforce central Brighton's role as the city's

vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses'. It goes on to state that within Central Brighton existing office accommodation will be protected and their refurbishment and upgrade encouraged unless certain criteria are met such as whether the redevelopment or reuse would make a positive contribution to the vitality and vibrancy of Central Brighton and create employment opportunities. It states that mixed use developments will be promoted which retain active ground floor uses and accord with a range of appropriate city centre uses.

Policy CP6 of the City Plan is relevant as it relates to tourism and visitor accommodation. It aims to support the city's tourism and business conference economy and support the provision of a sufficient and wide ranging type of visitor accommodation. It states, amongst other things, the following:

- Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).
- Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.
- The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.
- Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.

With regard to design, heritage and amenity, CP12, CP13 and CP15 of the City Plan Part One and policies HE3, HE6, HE8, HE12, QD5, QD10, QD14 and QD27 of the Brighton & Hove Local Plan are relevant.

City Plan policy CP12 expects all new development to be built to a high quality standard and CP15 seeks to conserve and enhance the special character and appearance of heritage assets, including Conservation Areas. Local Plan policies HE3 and HE6, seek to conserve or enhance the setting of Conservation Areas and Listed Buildings. Policy HE12 seeks to preserve and enhance sites of known and potential archaeological interest and their settings.

Local Plan policy HE8 seeks to retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a. supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner / applicant);
- b. viable alternative uses cannot be found; and
- c. the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for

the construction of the replacement building(s) and / or the landscaping of the site prior to the commencement of demolition.

The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to development affecting listed buildings and conservation areas:

S66 (1) “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”;

S72(1) “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2) [N.B. these include the Town and Country Planning Act 1990], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness (para 131).

Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paras 133 & 134 of the NPPF state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Para 136 of the NPPF states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Para 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better

reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

City Plan policies CP12 and CP13 seek to ensure places that are created are safe, and that development incorporates design features which deter crime and the fear of crime. Retained Local Plan policy QD5 states that all new development should present an interesting and attractive frontage at street level for pedestrians. Policy QD10 seeks good design for shopfronts/commercial frontages.

Local Plan policy QD14 states that extensions to buildings must be well designed, sited and detailed in relation to the main property, adjoining properties and the surrounding area and should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Proposals should take into account the existing space around buildings and the character of the area and use materials sympathetic to the parent building.

Local Plan Policies QD27 and SU10 are relevant as they seek to ensure development protects the general amenity of the locality and of neighbouring occupiers from undue noise or disturbance. Retained Local Plan Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

With regard to transport, City Plan Policy CP9 (Sustainable Transport) and retained Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle access and parking), TR15 (Cycle network), TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. SPG4 sets out maximum parking standards for development and minimum standards for disabled parking. Local Plan policy TR9 specifically identifies the Old Town Area as a pedestrian priority area.

With regard to sustainability, City Plan Policy CP8 is relevant. It requires all development to incorporate sustainable design features and major commercial developments are required to achieve a minimum standard of BREEAM 'Excellent'. City Plan Policy CP10 relating to biodiversity is relevant and this states all schemes should conserve existing biodiversity and provide net gains wherever possible.

## 8.2 **Principle of development:**

Redevelopment of this partly derelict and unattractive site is welcomed in principle. The buildings that would be lost are of no particular historic or architectural merit and have a very run down appearance (see Heritage comments and discussion under next heading below).

There is no planning history to definitively establish the lawful planning land use of some of the garage and other buildings fronting South Street. The applicant states that most of them have been unused for decades or have been used periodically as storage. It is noted that in 2001 some of the buildings are referred to as being in office use but there is no current or previous evidence of this. Therefore, given the uncertainty over their lawful planning use, their very poor state of repair, the need for significant investment, their unsuitability for modern office or storage needs together with the benefits of the proposed scheme, their loss is considered acceptable.

The proposed uses (hotel, hostel and residential) are considered appropriate town centre uses and are acceptable in principle on this site and in this location. A mixed use is welcomed and makes an effective sustainable use of the site.

The hotel and hostel are located within the identified central city zone for such uses in the City Plan. The site is well located in a central location close to amenities, tourist attractions, public transport and public car parks. The Hotel Impact Assessment submitted is considered robust and demonstrates the city's tourism economy is growing and that additional visitor accommodation is needed to meet demand and would not adversely impact existing provision. VisitBrighton, the council's tourism arm, fully support the proposal. The range of different types of accommodation proposed expands the city's offer and is welcomed. The introduction of 'micro rooms' is a first for the city and this is a booming area and provides an affordable option. It is supported by VisitBrighton. Expansion of an existing successful backpackers hostel business is welcomed in principle. The Walkabout public house would still retain an outdoor area to serve its customers. The proposal will bring new jobs to the city and is supported by the Council's Regeneration Team. Further jobs and use of local labour will be secured via a Section 106 agreement towards the Local Labour Scheme and construction training.

The provision of 4 new flats in this central and sustainable city centre location is considered acceptable in principle. Four new flats in the city would make a small but welcome contribution to the city's housing stock. The scheme proposes a mix of sizes (1 and 2 bed), which is encouraged. Adequate cycle parking and refuse/recycling storage can be accommodated. Each flat would have a private balcony. The flats would benefit from enhanced glazing and ventilation to prevent undue noise disturbance in this busy central location. The standard and layout of the proposed residential development is therefore considered to be satisfactory and policy compliant.

Regeneration of this in site in principle is particularly welcomed from a visual point of view. The site is located within the Old Town Conservation Area and currently detracts from it and the proposal would be a significant improvement. As stated by VisitBrighton, it is critical that an area so close to both leisure and business tourism facilities is regenerated to maintain the city's image as a premier tourist destination.

**8.3 Design and impact to the character and appearance of the locality and heritage assets:**



The site is located within the Old Town Conservation Area and lies within the setting a number of listed buildings.

The applicant has carried out a thorough assessment of the impact the proposal would have on designated heritage assets and the overall visual amenities of the locality and has submitted extensive supporting information with the application. Historic England is supportive of the redevelopment of this largely run down service area and agree that none of the existing buildings within South Street have sufficient historic or architectural value to the conservation area to insist on their retention. The council's Heritage Team carried out extensive pre-application discussions with the applicant and support the proposal. There is currently a gap in the South Street frontage and this proposal would repair the historic street pattern. The design reflects the varied plot widths, height and varied roof line that is characteristic of the area. It is considered the proposals would enhance the appearance and character of the Old Town Conservation Area and preserve the setting of nearby listed buildings for the reasons stated in the Heritage Team comments in section 5 of this report. CAG are supportive of the scheme.

The 6 storey over basement hotel building only just falls within the definition of a 'tall building' as defined in SPG15 (6-storeys/18m high), and the tallest element (20.4m) is a relatively limited area of the roof and is set back in the site. Whilst the site is not located within area specifically defined as suitable for tall buildings in the SPG, it is located adjacent to one and each application is judged on its own merits. Being the city centre, there are already many examples of tall buildings in the vicinity. The Tall Buildings assessment and other supporting information submitted with the application are considered to satisfactorily demonstrate the proposal would have an acceptable impact on the immediate and wider locality including key views. This is confirmed by the Heritage Team. It is considered the scale and massing of the blocks behind frontages are appropriate and not overly dominant in views and are in keeping with the established form of the historic townscape and varied roof line. The South Street buildings would appear 3-storeys and would screen taller buildings behind.

The mansard roof extension to 79-81 West Street is considered acceptable in principle. It hides unsightly rooftop staircases and would not be out of scale with the main building or harm the setting of nearby listed buildings. It would preserve the varied historic roof line in the street. Revised plans have been received showing a more traditional mansard design for West Street which is considered more appropriate and in line with consultee comments.

The quality of materials and detailing of the proposed replacement buildings will be critical and this can be carefully controlled by condition to ensure they very much do make a positive contribution to the conservation area.

The submission of the Masterplan document and visuals is welcomed and it is considered to demonstrate how the scheme and that of the adjacent site have been carefully thought out and ensures a consistent and complimentary

approach. It demonstrates that each scheme is capable of being implemented successfully individually or together.

The proposal will change the character and appearance of South Street from a run-down service road and it will enliven the area and introduce active frontages and activity, which is welcomed. Redeveloping the site for the scale and type of uses proposed will mean the missing public footway needs to be reinstated and other safety measures introduced in South Street, as well as overall visual enhancement of the street. The street is located in an important central location and its enhancement would maintain the city's image as a premier tourist destination. Safety measures and enhancement can be secured through a S106 obligation. There is the potential to incorporate an artistic 'influence' within the new public realm which would benefit visual amenity. Currently there are a number of refuse containers on the street and some of these will be relocated within the new buildings, which is a significant improvement. The council will explore if alternative locations are possible for the remainder of the bins.

The site has potential archaeological interest and given the comments of the County Archaeologist it is considered that conditions can satisfactorily deal with this aspect.

#### **8.4 Impact on Amenity:**

The South Street site, whilst being on a side road, is located in a very busy central location which is relatively noisy. The area has significant late night activity.

The council's Environmental Health team are satisfied that provided appropriate mitigation measures are implemented, there would be no adverse effect to prospective occupiers of the development. This includes enhanced glazing and ventilation and other noise prevention measures. These would also ensure nearby existing occupiers are protected and the night time economy is not unduly compromised. These measures can be conditioned. Whilst the proposal will undoubtedly introduce more people and activity into the area this is encouraged and is acceptable given its sustainable city centre location.

The impact of the proposal in terms of light and privacy on existing neighbours has been assessed and is considered acceptable. A Daylight/Sunlight assessment has been submitted and its methodology and conclusions are concurred with. It states no neighbouring windows would suffer unacceptable loss of daylight or sunlight as defined under BRE standards. Balcony screens will ensure there is no undue loss of privacy from the new flats. It should be recognised that this is central high density location and the proposed relationship between proposed and existing windows/properties is considered typical of the area and the development would be located sufficient distance way so as not to result in undue loss of amenity.

Amended plans have been submitted relocating two balconies/roof terraces from the second and third floors from the front on South Street to the rear to avoid undue overlooking/intrusion. The set back of both the hotel and residential blocks would remain as this is important in design terms, however, the roofs

would be green living roofs and will be conditioned not to be used as a usable amenity space or sitting out area. The relationship between windows in this location is considered to have less of an impact and is characteristic of the street.

A Courtyard Management Plan will be secured by condition to ensure sharing uses are compatible and to prevent undue noise or disturbance and in the interests of security, as cycle spaces are located within one.

A Construction Environmental Management Plan (CEMP) is secured via S106.

In terms of crime prevention, the views of Sussex Police are noted and it is considered that provided the measures stated by the applicant are implemented (and Secure By Design accreditation achieved) the proposal would not unduly compromise security.

#### **8.5 Sustainable Transport:**

The council's Highways team support the proposal provided appropriate conditions and S106 obligations are secured.

They do express concern regarding the narrow and missing footways in South Street which they consider are essential to address for highway safety reasons given the scale and nature of the development proposed.

The site is centrally located to take advantage of the public transport, pedestrian and cycle networks and public car parks. The lack of site car parking, including disabled, is therefore considered acceptable in principle. The proposal will generate demand for travel and a financial contribution is sought towards enhancement of sustainable modes to address this. Enhancement of the pedestrian network in particular is sought, in line with policy TR9. In addition, a Travel Plan is sought. Satisfactory cycle parking can be secured by condition to serve the development. A Delivery and Servicing plan can ensure this aspect is satisfactorily addressed.

A CEMP will cover the development and this will satisfactorily manage construction traffic and other highways issues during construction.

#### **8.6 Sustainability:**

The proposal is considered to be sustainable. It makes effective and efficient use of the site. It incorporates sustainable design features and the submitted pre-BREEAM assessment indicates the hotel development is able to meet a standard of 'excellent', as per the requirements of policy CP8. The hostel rooms are an extension to an existing use and are 'non-major' in scale, however, they do form part of a larger application proposal therefore they should aim to meet BREEAM 'excellent' if possible. The constraints for the extensions to an existing building are however recognised and given the main part of the scheme would meet this target, on balance this is considered acceptable. The council's Sustainability Officer supports the scheme.

The proposal would enhance biodiversity through the inclusion of green roofs and walls and bat and bird boxes.

## **9 CONCLUSION**

- 9.1 The introduction of a new hotel, an extension to an existing backpackers hostel and 4 new flats is considered acceptable in this city centre location. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The proposal would not involve demolition of buildings of any architectural or historic merit. The proposal would enliven and enhance South Street. The proposal will bring jobs and housing and would improve the tourism offer of the city. The proposal would make effective and efficient use of this partly dilapidated site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates.

This scheme would deliver welcome regeneration of this site and is considered to have significant benefits. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for tourism and commercial uses, therefore approval is recommended.

## **10 EQUALITIES**

- 10.1 The site is flat and has flush thresholds access. The pavements in South Street are very narrow, limiting accessibility (see transport comments). The 4 flats meet Lifetime Homes principles except there is no lift to the upper floors. Disabled car parking is nearby. An accessible lift is proposed in the hotel and 3 'accessible' hotel rooms are proposed. The existing backpacker hostel does not benefit from lift access.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### **11.1 S106 Heads of Terms**

- Submission of a landscaping scheme to enhance the safety and appearance of South Street. This shall include as a minimum, reinstatement of missing footway on northern part of South Street adjacent to site, resurfacing of all of north and south pavements in red brick (or similar), provision of raised road surface to form elongated table between Middle Street along South Street to boundary of new residential and hotel, assessment of and upgrade/addition to heritage mounted street lighting where necessary, provision of tactile paving in Middle Street on both sides of entrance to South Street. This would require an associated Section 278 agreement. The developer will meet the cost of any associated TRO.
- A financial contribution of £71,360 towards sustainable transport enhancement covering pedestrian, cycle, public transport and public realm improvements in the immediate area of the site including routes

between the development and amenities and attractions in the Old Town, the wider city centre and key transport hubs.

- Incorporation of an artistic element within the site itself or as artistic public realm 'influence' in its immediate vicinity to the value of £26,000
- A financial contribution of £30,040 towards the council's Local Employment Scheme
- Submission of an Employment and Training Strategy, with a commitment to using at least 20% local labour.
- Submission of a Construction Environmental Management Plan

Regulatory Conditions:

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below [list to be inserted in Late List].  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3) (i) No development, including demolition, shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.  
(ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.  
**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples 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 of all hard surfacing materials
  - d) samples of the proposed window, door, canopy and balcony treatments
  - e) samples of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 5) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 6) No development above ground floor slab level shall take place until full details of all facades, entrances, canopies, shopfronts, balconies, railings/ironwork, cladding, fenestration and windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 7) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- (i) details of all hard surfacing;
- (ii) details of all boundary treatments;
- (iii) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE6 and QD15 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 8) Unless otherwise agreed in writing by the Local Planning Authority, the new 90 bed hotel development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential

development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 9) Unless otherwise agreed in writing by the Local Planning Authority, the extension to the existing backpacker hostel to provide 11 new rooms hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 10) 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 living '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 be a chalk grassland mix. 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 on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling to be provided within the proposed 2 courtyard areas and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

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

- 12) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

PLANNING COMMITTEE LIST – 13 July 2016

- 13) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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.
- 14) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 16) (i) Within 6 months of the commencement of the development (excluding demolition), details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E4, or similar guidance recognised by the council.  
(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part (i).  
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.  
**Reason:** Reason: To safeguard the amenities of the occupiers of adjoining properties and the locality in general to comply with policies HE3, HE6,



PLANNING COMMITTEE LIST – 13 July 2016

QD25 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 17) No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme meets Secure By Design standard.  
**Reason:** In the interests of crime prevention in this busy central location, to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
- 18) Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, hours of deliveries, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 19) Within three months of the date of the first respective occupation of the hotel and new hostel rooms, a Travel Plan for the respective hotel and hostel development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 20) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.
- 21) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 13 July 2016

- 22) No development shall commence until a scheme for the provision of surface water drainage works and proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The works shall be completed in accordance with the details and timetable agreed.  
**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 23) Access to the 3<sup>rd</sup> floor flat roofs shown as a 'sedum' green living roof on the approved plan no. 1534-P-24 P2 facing South Street serving the flats and hotel shall be used as a landscaped area only and 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 policy QD27 of the Brighton & Hove Local Plan.
- 24) Within 6 months of the date of commencement of development hereby permitted written evidence shall be submitted to and agreed in writing by the local planning authority to demonstrate that any new energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:  
a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;  
b) A route onto and through the site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.  
c) Metering: installed to record flow volumes and energy delivered on the primary circuit.  
**Reason:** In the interests of sustainability, to comply with Policies CP8, SA2 and DA1 of the Brighton & Hove City Plan Part One.
- 25) No development above first floor level shall take place until details of a minimum of 5 bird boxes aimed at starlings and swifts and 5 bat boxes have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, location and timescale for implementation of the bird / bat boxes. The scheme shall then be carried out in strict accordance with the approved details.  
**Reason:** To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

- 26) The development hereby permitted shall not be occupied until written evidence has been submitted to and approved in writing by the Local Planning Authority to the acoustic mitigation measures listed within the 7th Wave Report dated 6th June 2016, reference 1076.001R.2.0.RS have been incorporated into the development to provide the necessary levels of protection for indoor residents. These measures shall include:
- (i) An 1200mm 50% open area splitter attenuator to the atmospheric side of the Canteen/Kitchen supply fan located in the East Courtyard
  - (ii) 150mm deep acoustic louvres to be installed around the six air source heat pumps located on the 6th floor flat roof.
  - (iii) The separating wall of the hotel is to achieve at least 5dB better than approved document E of the building regulations for airborne sound.
  - (iv) Acoustically absorbent panels are to be applied to the sides of the East Courtyard
  - (v) For glazing in residential facades, a sound reduction index of 44dB is needed
  - (vi) For glazing in the Hotel, a reduction of between 47-57dB is required
  - (vii) For the hostel extension, a reduction of between 38 and 48dB is necessary
  - (viii) A 2 metre high noise/privacy screen to the side of the terrace/balcony areas at first, second and third floor of the residential properties is required.
- The agreed measures shall be implemented before first occupation and retained as such thereafter.
- Reason:** To safeguard the amenity, living conditions and privacy of neighbouring properties and future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 27) Within 6 months of development commencing (excluding demolition), the applicant shall submit a written scheme for approval to the local planning authority to demonstrate how and where ventilation will be provided to the various premises/properties including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality. The agreed scheme shall be implemented prior to first occupation and retained as such.
- Reason:** To safeguard the amenity and living conditions of future occupiers of the site and to comply with policy SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until 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 residents or occupiers of the site and to comply with policy SU11 and QD27 of the Brighton & Hove Local Plan.

29) Prior to first occupation of the development hereby permitted full details of any proposed extraction/ventilation and associated odour control equipment fitted to or within the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and visual amenity and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

30) Prior to first occupation of the development hereby permitted a scheme for the sound insulation of the odour control equipment referred to in the condition set out above shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

31) The development hereby permitted shall not be occupied until a Courtyard Management Plan has been submitted to and approved in writing by the Local Planning Authority for the new hotel courtyard behind/below the new flats accessed from the basement canteen and for the reconfigured courtyard serving the Walkabout public house and new hotel and hostel rooms (as access and cycle parking). The Management Plan shall include hours of use of these spaces and details of how the shared use and security of these spaces is to be dealt with. The agreed Management Plan shall be implemented and adhered to at all times.

**Reason:** To ensure there is no conflict between different users of these spaces and to ensure security is not compromised and to prevent undue noise and disturbance to protect the amenity of existing nearby properties and proposed occupiers of the development, to comply with policies SU10, TR14 and QD27 of the Brighton & Hove Local Plan.

32) Unless otherwise approved in writing by the Local Planning Authority, no plant or equipment shall be erected or installed on the roofs except where specifically shown on the drawings hereby approved.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE6 of the Brighton & Hove Local Plan 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

## PLANNING COMMITTEE LIST – 13 July 2016

approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The introduction of a new hotel, an extension to an existing backpackers hostel and 4 new flats is considered acceptable in this city centre location. The proposal would significantly regenerate the area and enhance visual amenity. The site currently detracts from the Old Town Conservation Area and the proposal would make a significant and positive contribution to its appearance. The proposal would not involve demolition of buildings of any architectural or historic merit. The proposal would enliven and enhance South Street. The proposal will bring jobs and housing and would improve the tourism offer of the city. The proposal would make effective and efficient use of this partly dilapidated site and would be sustainable. The proposal would not adversely affect the amenity of existing or prospective occupiers or compromise security. The proposal would meet the demand for travel it creates. The proposals would reinforce central Brighton's role as the city's vibrant, thriving regional centre for tourism and commercial uses.
3. 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)
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. 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)
5. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the council receive a complaint, they are required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring.
6. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is in a special stress

## PLANNING COMMITTEE LIST – 13 July 2016

area and the applicant would have to have extra regard to licensing objectives.

7. The applicant is advised that the scheme required to be submitted by Condition 15 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
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. The water efficiency standard required under condition 13 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.
10. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
11. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
12. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
13. The Travel Plan in condition 19 above shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:

## PLANNING COMMITTEE LIST – 13 July 2016

- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
- (ii) A commitment to reduce carbon emissions associated with leisure and business travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level of car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- (ix) Provide the all hotel residents with necessary information to make informed decisions on the sustainable travel options available to them when travelling to the site and within the city during their stay.



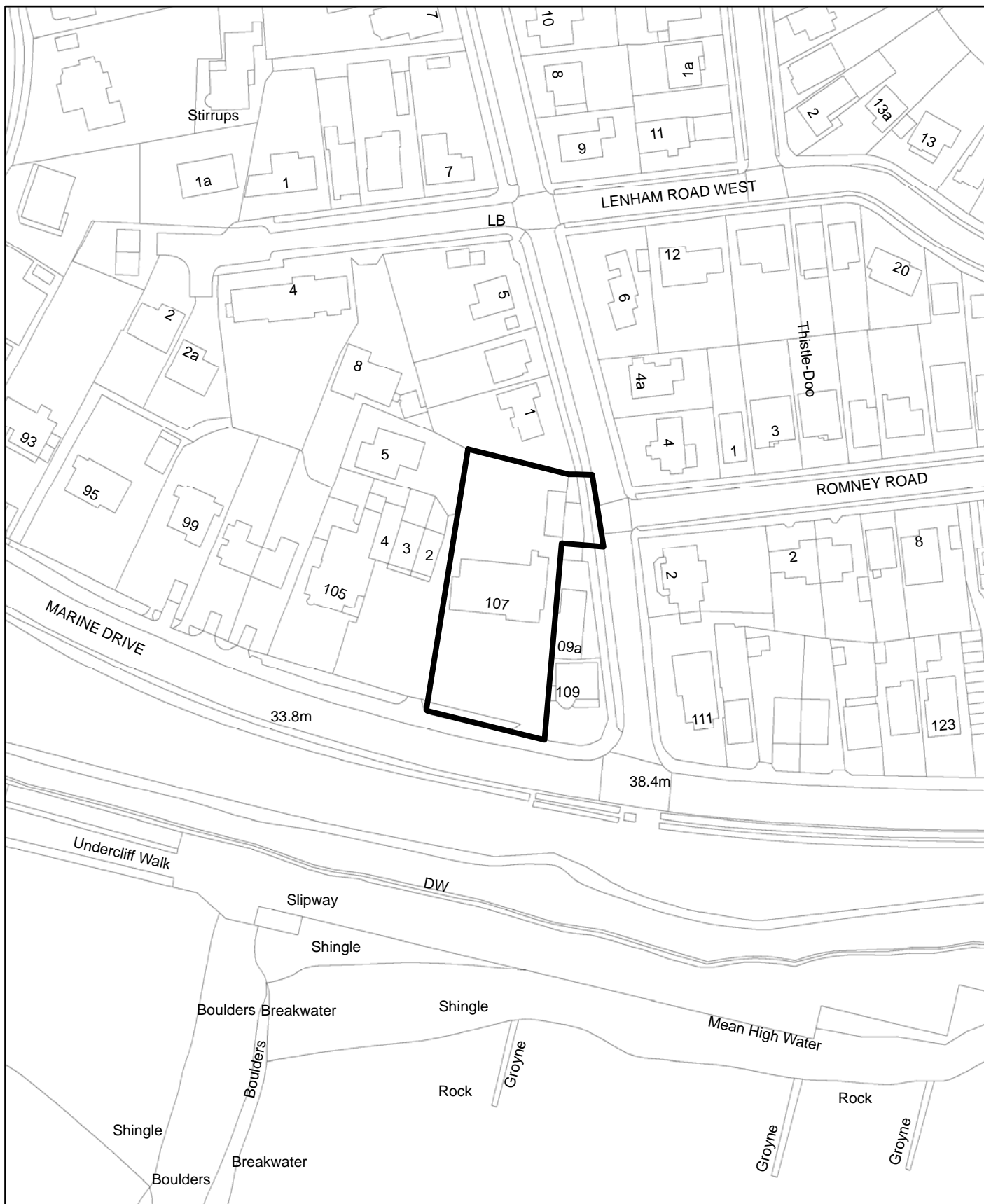


# **ITEM C**

**107 Marine Drive, Rottingdean  
BH2015/01745  
Full Planning**

**13 July 2016**

# BH2015/01745 107 Marine Drive, Rottingdean



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01745</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>107 Marine Drive Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.</b>		
<b><u>Officer:</u></b>	Wayne Nee Tel 292132	<b><u>Valid Date:</u></b>	26/05/2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	21 July 2015
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	PVJ Developments Ltd, C/O Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

At the meeting on 27 January 2016 the Committee resolved that it was Minded to Grant the application subject to a s106 agreement requiring a sustainable transport contribution. The engrossed unilateral undertaking was not received until after the adoption of the City Plan Part One therefore it falls that the application must be re-considered against the new development plan for the City prior to any formal decision being issued. This report has been updated accordingly to reflect the new policy framework set out in the City Plan Part One, principally policy CP20 on affordable housing.

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a plot of land located on the northern side of Marine Drive, close to the junction with Chailey Avenue. The pre-existing detached property (now demolished) was of chalet bungalow style that had been substantially extended in the past, at the rear and at roof level. The site has boundaries fronting Marine Drive and Chailey Avenue, but the actual corner itself comprises two adjacent dwellings outside of the site boundary (nos. 109 and 109A Marine Drive). Vehicular access to the site is from Marine Drive.

- 2.2 No. 109 Marine Drive is set to the east of the application site. This neighbouring property has limited space to the side and rear of the dwelling. No. 109A is located immediately to the north of 109 and abuts the boundary with 107.
- 2.3 The site is elevated above Marine Drive and as a result the property has a wall at the pavement edge to address the level change. The related part of Marine Drive is sited on a slight west to east gradient, which is reflected in the heights of the properties. In addition the application site is located at a significantly higher level than that related to no. 105 to the west. No. 1 Chailey Avenue to the north is located at a higher level than the site due to the presence of a slight south to north gradient.
- 2.4 An established hedge and fencing is located along the western and northern boundaries of the site. The southern most section of the eastern boundary adjoins nos. 109 and 109A Marine Drive and comprises walls of various heights whilst the northern section faces directly onto Chailey Avenue and comprises fencing, the height of which reflects the slight north to south gradient.
- 2.5 Development along the related section of Marine Drive is characterised by large scale, single and two storey, residential properties, set within generous plots. Exceptions to this are the block of flats located on the corner of Marine Drive and Newlands Road, no.105 Marine Drive which comprises both flats and dwellings, and 109 and 109A Marine Drive which have significantly smaller plots.

### 3 RELEVANT HISTORY

#### 107 Marine Drive

**BH2014/04169** Demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage – Refused 31/03/2015

**BH2012/02416** Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue – Approved 05/04/2013.

**BH2006/01287** Demolition of existing house. Construction of 3 terraced three-bedroom town houses and 6 linked houses comprising 3 three-bedroom, 2 four-bedroom and 1 two-bedroom units. Provision of 10 car-parking spaces. Refused 26/07/2006.

**BH2004/01680/FP** Demolition of existing building (C1/C3 use) and erection of two/three storey building (with cycle parking and car parking) to provide 14 (two-bedroom) residential units. Refused 12/08/2004. Appeal Dismissed.

#### Land at 105 & 107 Marine Drive

**BH2007/03898** Demolition of existing buildings and erection of 6 one-bedroom; 15 two-bedroom; and 10 three-bedroom apartments, together with associated access, car parking and landscaping. Refused 28/01/2008. Appeal Dismissed.

**105 Marine Drive**

**BH2011/01827** Erection of single storey 2 bed dwelling. Approved 20/03/2012.

**BH2010/03444** Conversion of existing building to create eight unit residential development comprising 3no two storey houses and 5no flats. Demolition of single storey extension to North, creation of dormer to South elevation and associated altered fenestration and landscaping. Approved 09/02/2011.

**4 THE APPLICATION**

Planning permission is sought for the demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

- 4.2 During the process of the application, amendments to the scheme were made, including the reduction in width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment, and alterations to the proposed entrance gates.

**5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Neighbours: Twelve (12)** letters of representation have been received from the occupiers of: **1(x2), 2, 3(x2), 4a, 6 Chailey Avenue, 14 Knole Road, 109A Marine Drive (x2), 20(x2) Lenham Road West** objecting to the application for the following reasons:

- Loss of previous hotel use;
- Overdevelopment of the site;
- Concerns over parking and new vehicle entrance onto Chailey Avenue which is already congested;
- Design is out of context;
- Inappropriate height, size and bulk of building;
- Loss of light and loss of privacy to no. 109A Marine Drive and 1 Chailey Avenue;
- Effect on foundations of no. 109a Marine Drive;
- Increased noise and disturbance.

A petition of **89 signatures** has been received objecting to the application for the following reasons:

- Overdevelopment
- Inappropriate size
- Noise and disturbance

- Overshadowing and loss of privacy
- Concerns over new vehicle entrance, traffic congestion and air quality.

**Internal**

5.2 **Transport: No objection**

The Highway Authority has no objections to the proposals subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a s106 or UU for a contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

5.2 **Trip Generation**

The trip generation is forecast to increase slightly above existing levels. The proposals comprise of 9 residential units (7 flats and 2 houses). Currently on-site there is a single residential property. Therefore the proposals are likely to increase trips above existing levels. However, subject to the suggested mitigation this increase in trips is not considered to warrant a reason for refusal.

5.3 **Car Parking**

The applicant is proposing 12 car parking spaces, 8 garages for the flats and 2 car parking spaces each for the houses. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and a maximum of 5 visitors' spaces. Therefore the proposed level of car parking is in line with the maximum standard quoted within SPG04 and is deemed acceptable.

- 5.4 A development of this size is likely to have 13 vehicles associated with it. Therefore the proposed level of car parking is deemed acceptable and not likely to result in significant levels of overspill car parking which would warrant a reason for refusal.

5.5 **Cycle Parking**

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling for residents and 1 space per 3 dwellings for visitors. For this development of 9 residential units the minimum parking standard is 9 cycle parking spaces for residents and 3 spaces for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 5.6 The applicant intends to provide a cycles store for the flats but it is not apparent as to the nature of these stands or what provision there is for the 2 houses. Therefore further details should be secured via condition to ensure the cycle parking stands are policy compliant.

Pedestrian Access

- 5.7 Pedestrian accesses provided from Marine Drive for the flats and Chailey Avenue for the 2 houses. The Highway Authority has no objections to these pedestrian access arrangements. However, it is noted that the pedestrian access to the flats is through the parking area which is not the most attractive route. The Highway Authority would look for further details as to how this route will be delineated to reduce conflict between pedestrians and vehicles.

Vehicular Access

- 5.8 The applicant is intending to retain the existing vehicular access point to the site, from Marine Drive. The number of vehicles likely to use this access is the same as a previous approval and therefore deemed acceptable. Due to the width of the access in order to ensure vehicles do not reverse back out onto the highway the Highway Authority would look for details of road safety signage within the site that states priority should be given to vehicles entering the site.
- 5.9 The applicant is also proposing 2 new vehicle crossover to access the 2 properties on Chailey Avenue. The Highway Authority has no objections in principle to these. It is recommended that the standard new vehicle crossover condition is included on any permission granted.

Developer Contribution

- 5.10 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £5250.
- 5.11 Overall contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area

- 5.12 **Environmental Health:** No comment

- 5.13 **Access Officer:** No objection

The layouts mainly look acceptable. The inside size of the lift should be 1400mm x 1100mm but it appears on plan to be about 1400mm x 900mm.

**6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 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
- CP5 Culture and Tourism
- CP6 Visitor Accommodation
- CP7 Infrastructure and developer contributions
- CP8 Sustainable Buildings
- CP9 Sustainable Transport
- CP11 Flood Risk
- CP12 Urban Design
- CP14 Housing Density
- CP15 Heritage
- CP19 Housing Mix
- CP20 Affordable Housing

#### Brighton & Hove Local Plan:

- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites



SPD11 Nature Conservation & Development

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the impact of the proposal upon the character and appearance of the area, the impact upon the living conditions of neighbouring properties, the standard of accommodation proposed, the impact upon the local highway network/parking and sustainability issues.

### Background

- 8.2 A previous application (BH2014/04169) - for the demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue – was refused for the following reasons:
- 8.3 *“The development, by reason of its flat roofed design, would have significantly more mass and bulk at a higher level than the existing building and would have a materially greater visual impact on the street scene. The additional mass and bulk at first floor level in close proximity to the side boundaries of the site would result in a building which would not be in sympathy with nearby buildings. The development, by reason of its design, mass and bulk would appear an overly dominant and intrusive addition to the street scene and would be of detriment to the character and appearance of the street scene and surrounding area. The development would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood. This harm outweighs the benefit provided by the proposal, which is contrary to Local Plan policies QD1, QD2, QD3 and QD5.”*
- 8.4 *“The development, by reason of its siting, mass and bulk, would be overbearing and result in a harmful loss of light for occupants of 109a Marine Drive. The off-street parking to the rear of the building would be in close proximity to residential gardens at 109 Marine Drive and 1 Chailey Avenue and would result in increased noise and disturbance for occupants of these adjoining properties, to the detriment of their residential amenity. This harm outweighs the benefit provided by the proposal, which is contrary to policy QD27 of the Brighton & Hove Local Plan.”*
- 8.5 In this current application, the number of flats proposed within the building has been reduced to 7 (with 2 additional dwellings now proposed in a separate building to the north of the site), there has been a reduction in the width of the building, alterations to the materials, and the parking spaces are relocated to the south of the site.

The City Plan Part 1 Inspector’s Report was received February 2016. This supports a housing provision target of 13,200 new homes for the City to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24 March 2016. The City Plan Inspector indicates support for the Council’s approach to assessing the 5 year housing land supply and has found the Plan sound in this

respect. The five year housing land supply position will be updated on an annual basis.

### **Principle of Development**

The pre-existing two storey dwelling and attached single storey annexe has recently been demolished on site. Historically this building had bed and breakfast facilities, however according to the applicant this use of the building had ceased, and before demolition there was no evidence on site of bed and breakfast facilities. It is not clear the extent to which the B&B function of the premises operated and if it was incidental to a primary residential use. This is not though considered a key determining issue as the building has now been demolished and so the previous use has been lost. The application site is outside the core area boundary, as outlined the Brighton & Hove City Plan policy, and there would be no objection to its loss. The principle of residential development on the site is therefore considered acceptable.

### **Affordable Housing**

National planning policy on affordable housing, as set out the National Planning Practice Guidance following the Written Ministerial Statement of 28 November 2014 (as upheld by the Court of Appeal on 11 May 2016), states that affordable housing contributions should not be sought from developments of 10-units or less. The Court of Appeal Judgement provides authority that this threshold is not to be applied as mandatory. Instead it forms part of National Planning Policy and as such forms a material consideration to be weighted alongside the development plan and all other material considerations. As formal national policy, the Council attaches substantial weight to the contents of the Written Ministerial Statement and the updated NPPG guidance.

- 8.14 At a local level policy CP20 of the City Plan Part One (adopted 24 March 2016) requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper, (approved by the Economic & Culture Committee on 16 June 2016) 9 units of the mix proposed within Zone 2 would require a contribution of £329,000 (equivalent to two two-bedroom units).
- 8.15 Although contrary to National Policy on the application of affordable housing thresholds, the Council considers there to be significant local circumstance that warrants the application of greater weight to policy CP20 than the national threshold set out above. This local circumstance is based on a combination of overall housing shortfalls, the identified need for affordable housing, and the substantial proportion of the housing being delivered through small scale development of 10 units or less within the city.
- 8.16 In the case of Brighton & Hove, the housing provision target within the City Plan Part One is for 13,200 new dwellings to be provided up to 2030. This represents 44% of the city's objectively assessed housing need which was assessed to be 30,120 dwellings. The City Plan Inspector accepted this provision given that the city is highly constrained in terms of opportunities for further growth and expansion.

- 8.17 The need for affordable housing provision in Brighton & Hove is acute. This need is evidenced by the Council's Background Study Paper 'Objectively Assessed Need for Housing (June 2015) which identifies entry-level house prices 9.6 times the earnings of younger households, a current affordable housing need of 11,528 households, and a net annual need of 2,105 households per annum. This equates to a net annual need of 810 affordable homes, which on its own is a greater figure than the projected total annual delivery of all housing types which is 660 units over the plan period. Overall the report demonstrates an acute need for new affordable housing provision in the city. This need was acknowledged by the Inspector in her assessment of the City Plan Part One and by her approval of the policy (CP20) to secure affordable housing provision / contributions in respect of schemes of 5 units or more.
- 8.18 In addition to the above, a substantial proportion of the housing delivered in recent years within the city has been through small scale development of 10 units or less. This theme is projected to continue in forthcoming years and therefore it is essential to the successful delivery of the Council's affordable housing strategy as set out in the City Plan Part One that schemes of 5 units or more do contribute to the delivery of affordable housing.
- 8.19 In the period 2010 to 2015, schemes of less than 10 residential units delivered 53% of all new housing units in Brighton & Hove. Schemes of 5-9 units delivered 469 new housing units in Brighton & Hove which equates to 24% of the housing units delivered across the city as a whole. This is a substantial proportion and to not secure affordable housing provision in respect of such schemes would have a significant detrimental impact upon the delivery of affordable housing in the city during the plan period.
- 8.20 For these reasons, and having regard the individual merits of the application site, the Council considers that significant weight should be given to the lower thresholds set out in Policy CP20, above and beyond the substantial weight that the National Policy on affordable housing thresholds otherwise carries. The applicant has agreed to pay the financial contribution and the recommendation is subject to the s106.

### **Design**

- 8.9 Policy CP12 of the City Plan sets out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate.
- 8.10 The pre-existing building on the application site was a single storey property with accommodation located within the hipped roof. The property included a large dormer window within the front roofslope, with an associated terrace area and a large rear dormer window. A single storey hipped roof annexe extended to the north at the rear of the property, on the eastern side.

- 8.11 The proposal is for the erection of a replacement three-storey building, which also includes a lower ground floor, containing 7 flats. The proposed building would have a similar siting to the previous but with a longer footprint at the rear. The proposed excavation to enable a lower ground floor would mean that the height of the proposed development would not exceed that of the pre-existing dwelling. Therefore the ridge of the proposed property would remain located just below that related to no. 109A Marine Drive.
- 8.12 The immediate part of Marine Drive is characterised by a wide range of properties generally set back from the street. There are many dwellings with a traditional appearance with traditional pitched roofs with red/brown concrete tiles and dormers. Many properties are fully rendered, some have brickwork or a mix of both. There are also examples of more modern design buildings including the flat roof design of 93 Marine Drive which includes rendered walls, extensive glazing, balconies and metal cladding.
- 8.13 The proposed flat roof design of the building with a metal clad top floor and glass balustrades would contrast somewhat with the more traditional dwellings to either side of the application site. In the appeal decision for proposed apartments at 105 & 107 Marine Drive in 2008 (BH2007/03898), the Inspector stated that the contrasting design set well back from the road could be regarded as acceptable in this seafront location.
- 8.14 It is accepted that the proposed building would have more mass and bulk at a higher level than the existing building, and that it would have a greater visual impact on the street scene. However the bulk at upper floor level has been significantly reduced from the previously refused application (BH2014/04169). In this application the building has been amended to be reduced further in width, and so the mass and bulk at first floor level has now been set further away from the side boundaries of the site. The external materials include a combination of render and facing brick which relates to the form and rhythm of the building, and would break down the horizontal emphasis of the building.
- 8.15 The proposed pair of semi-detached dwellings would front onto Chailey Avenue. This street scene, within the immediate vicinity of the site, comprises a mix of 1 and 2 storey detached houses of various sizes, style, designs, building forms and with various roof rooms. However one common characteristic is the presence of large dominant roofslopes, a characteristic which the proposed dwellings would replicate.
- 8.16 The proposed dwellings would be sited on a similar footprint to that of the detached dwelling approved under BH2012/02416. It is acknowledged that the proposed dwellings would be set at an angle and so would not truly reflect the common building line formed by the properties to the north on the western side of Chailey Avenue. However the built form of the proposed building could not replicate this common building line due to the restrictions of the orientation and shape of the related plot. It is not considered that the failure to respect the existing building line would have a detrimental impact upon the visual amenities of Chailey Avenue and the wider area given that nos. 109 and

109A, which are also viewed with the Chailey Avenue street scene, have a staggered eastern building line.

- 8.17 The proposed ridge height and form of the dwellings would be comparable to the approved detached dwelling under BH2012/02416. The eaves height of the proposed detached dwelling would respect the south to north gradient presence within Chailey Avenue as it would be located higher than that of the eaves related to nos. 109A Marine Drive, but would be lower than that related to no. 1 Chailey Avenue.
- 8.18 Currently a large visual gap is located between the roof forms of nos. 1 Chailey Avenue and 109A Marine Drive. The proposed building fronting Chailey Avenue would result in this gap between roof forms reducing, however it is considered that the proposal would retain a significant gap between the roof form no. 109A Marine Drive, and as a result it is not considered that the proposal would have a harmful impact upon the amenities of the Chailey Avenue street scene or appear as a cramped form of development.
- 8.19 It is recommended that a condition is attached requiring samples of the proposed external finish materials to be submitted and approved by the Local Planning Authority. Overall it is considered that the design, scale and style of the proposed buildings would integrate well within the existing street scenes and therefore will not be of detriment to the visual amenities of the Marine Drive or Chailey Avenue street scenes or the wider area.

**Standard of Accommodation**

- 8.20 In general the proposed dwellings would benefit from acceptable levels of natural light, outlook and privacy. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.21 Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. Each flat would benefit from a private outdoor terrace. A communal outdoor amenity space is also shown to the south. The proposed semi-detached pair would have access to private outdoor gardens. Overall the size of the proposed outdoor amenity space is considered acceptable given the scale of the development.
- 8.22 Policy TR14 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes provision for refuse storage and cycle storage in purpose built stores at the south of the site. These are considered acceptable in principle subject to further details required via condition. The proposed cycle storage and refuse

storage of proposed semi-detached properties does not appear on the drawing, however this could be accommodated on the site and details of this can be conditioned.

**Impact on Amenity**

- 8.23 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposed ground and first floor of the building facing Marine Drive would be in close proximity to the rear garden of no. 109a Marine Drive to the east. The distance between the proposed building and the boundary line of this neighbouring property would be approximately 2.2m at ground floor level and 3m at first floor. The development would be more visible for the occupiers of this neighbouring property which has a relatively small rear garden area. However the building would now be set at a distance away that would mean that the impact of loss of light, overshadowing and sense of enclosure would not be so significant as to warrant refusal of the application.

- 8.24 To the west, the proposed building would have greater bulk toward the western boundary with no. 105 Marine Drive, which is a flatted development. However, due to the retained distances between the buildings it is considered that the overbearing nature of the proposed building would not be so significant or harmful as to warrant refusal of the application.
- 8.25 The new building would include upper floor south facing balcony areas. These external amenity areas would create views overlooking the front communal garden and beyond towards Marine Drive. The proposed upper floor windows on the side elevations would be obscure glazed apart from 3 east facing windows that would face directly toward the blank side elevation of no. 109A Marine Drive. Due to the oblique nature of the views from the balconies towards neighbouring properties and the use of obscure glazing it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties from overlooking and a loss of privacy. Views from windows to the northern elevation of the proposed development would be towards the semi-detached properties with a level of overlooking that would be expected in this circumstance.
- 8.26 It is not considered that the provision of 9 dwellings within an established residential area, and the intensification of the use of the site, would have a significant adverse impact upon the amenities of neighbouring properties by way of increased noise or disturbance.
- 8.27 The proposed semi-detached properties would be located approximately 1.2m from the boundary with no. 1 Chailey Avenue. It is noted that this neighbouring property comprises two windows within the southern elevation at first floor level. This northern neighbouring property is located at a slight angle onto Chailey Avenue and as a result a minimum distance of approximately 2.5m would be located between the northern elevation of the proposed house and the southern most

elevation of no. 1 Chailey Avenue which relates to the attached side garage. A minimum distance of approximately 4.8m would be located between the northern elevation of the development and the main elevation of no. 1 which comprises south facing windows. Overall it is not considered that the construction of the proposed semi-detached properties would have a significant adverse impact upon the amenities of the northern neighbouring property, no. 1 Chailey Avenue, with regards to loss of light/sunlight or having an overbearing impact.

8.28 Windows are proposed within the northern elevation of the proposed new house. The proposed north facing first floor windows would be obscure glazed and fixed shut and so would not have a significant adverse impact upon the amenities of no. 1 with regards to loss of privacy or overlooking. Furthermore it is not considered that views from the glazed openings within the front and rear elevation of the dwelling-house would have a significant adverse impact upon the amenities of neighbouring properties given the distance between neighbouring properties, the development's orientation in respect of no 1 Chailey Avenue and the oblique views which would be provided.

#### **Sustainable Transport**

8.29 Policy CP9 of the Brighton & Hove City Plan Part One requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

8.30 The site is not within a Controlled Parking Zones (CPZ) and as a result uncontrolled on-street parking is available within the vicinity of the site. The future occupiers of the proposed flats would have use of 12 parking spaces located to the south of the site, accessed via Marine Drive. SPG04 sets out the maximum parking standards for developments and as a result the provision of parking spaces accords with SPG04.

8.31 The proposed cycle store would provide spaces for the flats, however further details by condition would be required with regard to the type of cycling parking proposed as well as details of the cycle storage for the houses.

8.32 The development would result in an increased demand for travel and the transport team has identified off-site improvements which would be required to facilitate the development. An agreement would be required for the developer to either carry out the identified works or to provide a contribution towards the improvements being carried out by the Council.

#### **Sustainability:**

- 8.33 Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

## 9 CONCLUSION

- 9.1 For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.
- 9.2 Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

## 10 EQUALITIES

The development would need to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 S106 Heads of Terms

- A contribution of £329,000 towards affordable housing contribution.
- A contribution of £6750 towards sustainable transport measures, specifically relating to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

#### Regulatory Conditions:

- 1) 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.
- 2) 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
-----------	-----------	---------	---------------



PLANNING COMMITTEE LIST – 13 July 2016

Site location plan	1486-P-200	P1	27 2015	October
Proposed bock plan	1486-P-201	P1	27 2015	October
Proposed site plan_ground floor	1486-P-204	P2	27 2015	October
Proposed site plan_lower ground level	1486-P-205	P1	27 2015	October
Lower ground floor plan	1486-P-206	P1	27 2015	October
Ground floor plan	1486-P-207	P1	27 2015	October
First floor plan	1486-P-208	P1	27 2015	October
Second floor plan	1486-P-209	P1	27 2015	October
Roof plan	1486-P-210	P2	27 2015	October
Site sections 1	1486-P-211	P2	27 2015	October
Site sections 2	1486-P-212	P2	27 2015	October
South elevation	1486-P-213	P2	27 2015	October
North elevation	1486-P-214	P1	27 2015	October
North elevation indicating proposed garden fence	1486-P-215	P1	27 2015	October
East elevation	1486-P-216	P2	27 2015	October
West elevation	1486-P-217	P2	27 2015	October
Marine Drive boundary elevation	1486-P-219	P1	27 2015	October
Marine Drive vehicular access elevation	1486-P-220	P1	27 2015	October
Chailey Avenue elevation – existing and proposed	1486-P-224	P1	27 2015	October
Proposed 'figure & ground' plan	1486-P-226		27 2015	October
Proposed site plan key to sections	1486-P-227	P2	27 2015	October
Site sections 1 overlay of existing building	1486-P-228	P1	27 2015	October
Site sections 2 overlay of existing building	1486-P-229	P1	27 2015	October
South elevation overlay of	1486-P-230	P1	27	October

PLANNING COMMITTEE LIST – 13 July 2016

existing building			2015
North elevation overlay of existing building	1486-P-231		27 October 2015
Marine Drive boundary elevation – existing	1486-P-218		12 May 2015
Proposed house floor plans	1486-P-221		12 May 2015
Proposed house elevations	1486-P-222		12 May 2015
Proposed house elevations 2	1486-P-223		12 May 2015
Site survey	1486-P-202	P1	27 October 2015
Existing plans and elevations	1486-P-203		12 May 2015
North elevation overlay of existing building	1486-P-232		27 October 2015
East elevation overlay of existing building	1486-P-233	P1	27 October 2015
West elevation overlay of existing building	1486-P-234	P1	27 October 2015
Marine Drive boundary elevation overlay of existing building	1486-P-235	P1	27 October 2015
Section F-F existing and proposed comparison	1486-P-236		27 October 2015

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse 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 QD14 and QD27 of the Brighton & Hove Local Plan.

5. The upper floor windows indicated as obscure glazed on the drawings hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 QD14 and QD27 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 13 July 2016

6. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. All planting, seeding or turfing comprised in the approved scheme of landscaping 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 policy QD15 of the Brighton & Hove Local Plan.
8. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. 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 HO13 of the Brighton & Hove Local Plan.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove Submission City Plan Part One.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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.

Pre-commencement conditions

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of existing and proposed ground levels (referenced as Ordinance 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 policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the information submitted, no development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The scheme shall include indications of existing hedgerows on the land together with measures for their protection during the course of the development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
14. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a scheme of works to provide a segregated footway in the car park area to the new residential access have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interest of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Pre-occupation

15. Prior to first occupation of the development hereby permitted, details of appropriate signage to the access, to ensure vehicles entering the site have priority 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 improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 or the Brighton & Hove Local Plan.

16. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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 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 QD27 of the Brighton & Hove Local Plan.

17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

## PLANNING COMMITTEE LIST – 13 July 2016

For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.

Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

3. The applicant is advised to contact the Council's Network Co-ordination team and obtain the necessary license prior to any works commencing on the adopted highway and that they are liable for all the associated costs including the relocation of the street lighting.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 13 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.

### **Note:**

## PLANNING COMMITTEE LIST – 13 July 2016

Information pursuant to conditions 11 – 14 has been submitted to the Local Planning Authority. The information at the time of writing this report is being assessed and if the information is acceptable, the conditions will be updated in the Additional Representations List accordingly.



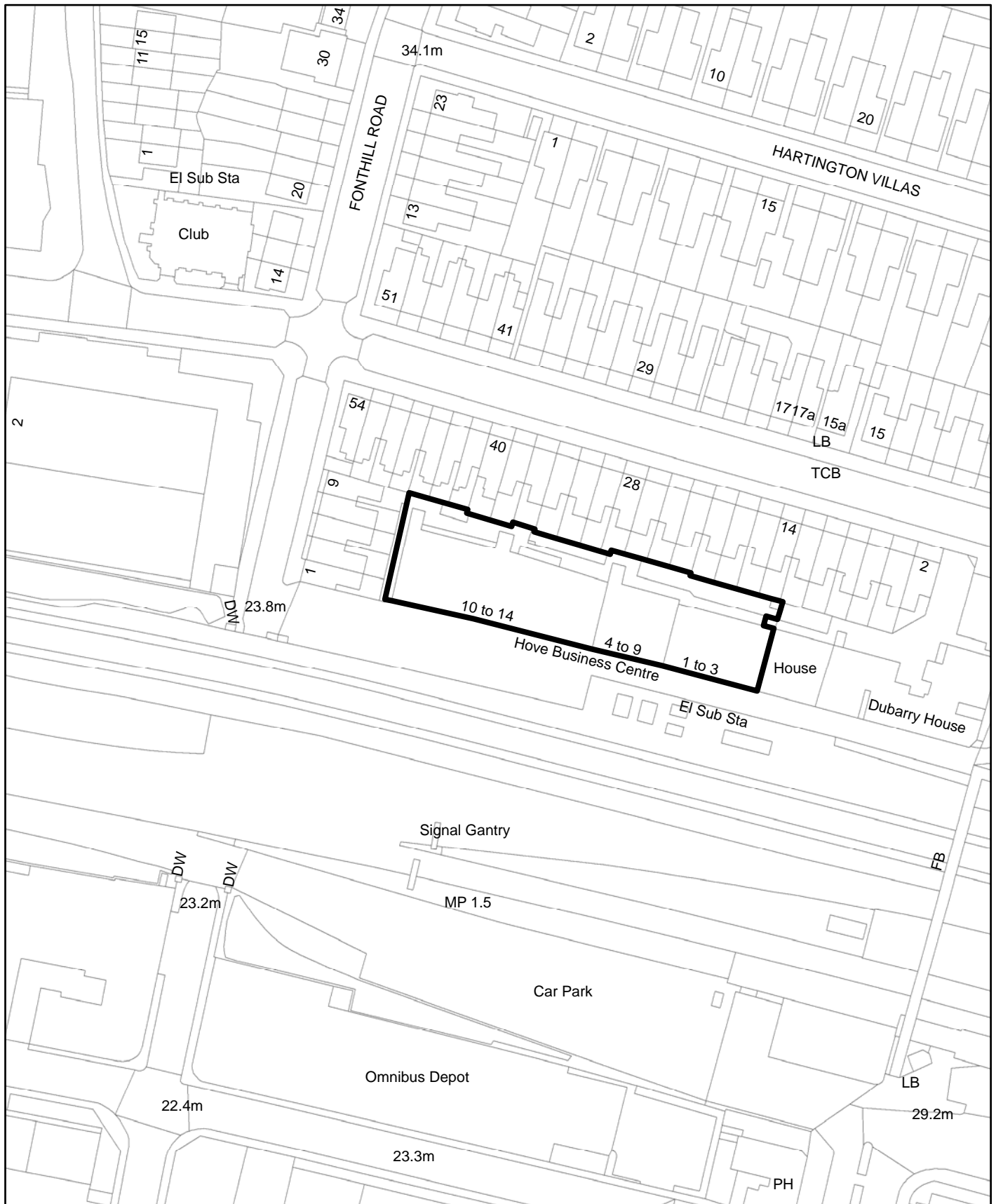


# **ITEM D**

**Hove Business Centre, Fonthill Road, Hove  
BH2014 / 03742  
Full Planning**

**13 July 2016**

# BH2014/03742 Hove Business Centre, Fonthill Road, Hove



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/03742</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Business Centre Fonthill Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	06/11/2014
<b><u>Con Area:</u></b>	Adjacent Hove Station	<b><u>Expiry Date:</u></b>	01/01/2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis McMillan Architects, 7 Queen Square, Brighton BN1 3FD		
<b><u>Applicant:</u></b>	Pearl & Coutts, c/o Lewis McMillan Architects, 7 Queen Square Brighton BN1 3FD		

This application was presented to the committee on 9 December 2015 with a recommendation of Minded to Grant subject to a s106 agreement. The engrossed s106 was not received until after the adoption of the City Plan Part One therefore it falls that the application must be re-considered against the new development plan for the City prior to any formal decision being issued. This report has been updated accordingly to reflect the new policy framework set out in the City Plan Part One, principally policy CP20 on affordable housing.

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site relates to the Hove Business Centre, a part three part four storey building comprising a mix of seventeen B1, B8, D1 and D2 units. The Business Centre forms part of the former Dubarry Perfumery complex and is attached to Microscape House to the east. Access and parking is via Fonthill Road to the west.
- 2.2 Residential properties abut the site to the north and west, with further business units within Microscape House to the west. The mainline railway fronts the site to the south with Hove Station and the Hove Station Conservation Area to the southeast. The former Dubarry Perfumery building, which also comprises Microscape House and Dubarry House to the east, has been designated as a building of local interest.

### 3 RELEVANT HISTORY

At the meeting on 9 December 2015 the committee resolved that it was minded to Grant the application subject to a s106 agreement requiring a sustainable transport contribution.

**BH2014/01981-** Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works. Withdrawn

**BH2012/00021-** Change of use of Unit 2 from offices (B1) to performing arts college (D1). Refused 05/09/2012

**BH2003/02016/FP-** Change of use of Unit 9 (top floor) from B1 (business use) to yoga studio (D2). Approved 23/07/2003

**BH2000/02021/FP-** Change of use of Unit 1 from B8 (Storage/warehousing) to B1 (Information Centre/Offices) and form new disabled access door to front elevation. Block up window at rear and install new fire doors. Approved 12/09/2000

**BH1998/02008/FP-** Change of use of Unit 8 from B1/B8 to D2 (Health & Fitness Club). Retrospective application for change of use of units 7 and 7A from B1/B8 to D2. Approved 01/12/1998

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the addition of nine residential flats at roof level, accessed via an internal walkway along the rear of the roof. The additional floor would be metal/zinc clad with balconies to the south side. No onsite parking is to be provided.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

##### Neighbours:

**Eighty Three (83)** letters of representation have been received from **6, 12, 16, 18, Ground floor flat 20, Ground floor flat 22 (x2) Upper Maisonette 22, 24, 32, 34 (x2), 36 (x2), 38b, 40 (x2), 44, 46 & 48 Newtown Road; savehove; Unit 6, 7/7A (x3), 8, 11 (x29) Hove Business Centre; 11 Woodland Court Dyke Road Avenue; Unit 8 Studio Gobo; 6 Wilbury Avenue; 22 Hove Park Villas; 10 Hartington Villas; 5 Burton Villas; savehove; 81 Vale Avenue; 3a Bembridge Street; F7 Stretton Court 66 Rutland Gardens; 8 Shoreham Road; 137 Montgomery Street; The Fusebox Level 4 North New England House; and Unknown (x15), objecting to the application for the following reasons:**

- The Dubarry Perfume factory is an iconic building and should be protected. It is loved and admired by residents
- The building will lose its unique identity
- The development would not be in keeping with the distinctive historic building and its setting

## PLANNING COMMITTEE LIST – 13 July 2016

- Flats and associated paraphernalia on the roof would spoil the iconic image of the building and its skyline
- The design of the flats is not in keeping with the Victorian houses and Dubarry building
- The existing extension above Microscope House is an eyesore, the development would be worse
- Impact on setting of Hove Station Conservation Area and the Grade II listed Hove Station
- The building is now under consideration to be listed
- Cramming in a high density area
- Potential loss of businesses in the building to residential in the future
- Increased security risks to businesses and adjacent residents from use of the rear alleyway for cycle parking
- Disruption to existing businesses in the building during 6-9 month construction works. Businesses will likely need to move out during works to avoid damaging noise, dirt and dust. This includes Crunch who employs over 150 people.
- Businesses will look to leave the building, likely to other cities given the lack of suitable alternative office stock in the city, resulting in loss of local jobs.
- Running a business will be impossible during works
- Loss of business space leading to reputational damage to the city
- Loss of skylight will reduce quality of office accommodation in unit 6
- Sharing of access lifts between businesses and residents will be detrimental to business operations
- Loss of daylight and sunlight, particularly in winter, spring and autumn. The height of the existing building results in no sunlight for the majority of the year
- Overshadowing and overbearing impact. Gardens to Newtown Road are already overshadowed so any reduction in sunlight would have a significant impact. 20% loss of sunlight to 19 houses on Newtown Road and 4 on Fonthill Road is significant
- Most windows to Newtown Road do not currently meet the BRE daylight criteria. 35 houses would be affected.
- Gardens would become unusable and dangerous in winter months
- Overlooking
- Increased noise and disturbance to neighbouring residents
- Noise disturbance from rain falling on the metal roof
- Noise complaints will be received from residents against the dance studio within the building. Existing noise levels from the studio are very high and cause disturbance to residents. To suggest future residents will not be disturbed is absurd
- The noise surveys were carried out when the dance studio was on half term and therefore cannot be relied on
- Loss of views and sky views
- Light and noise pollution from use of the access walkway.
- Decreased quality of life
- 40-50 family homes on Newtown Road will suffer for the benefit of 9 flats

- The building is not currently used at weekends. Residential use will change its relationship with the properties adjacent
- The flats are ideal to be used for parties
- Insufficient detail of how the barriers to the front would appear and impact on the decorative parapets
- Loss of house value
- There is insufficient parking in the area to cater for new residents, especially in the evenings after 7pm
- A car-free development cannot be enforced
- Inaccurate plans
- Conflict between residential and business use of the lifts
- Construction noise and disturbance
- The lighting survey is not credible, with incorrect numbering, and incorrect plans including incorrect window positions
- The building may not be safe to add an additional storey to
- The only beneficiaries will be the developer
- Loss of light will have a detrimental impact on the quality of life of a deaf resident of Newtown Road
- The development is for money only
- The development will result in the building being steadily converted into flats
- The landlord has a history of cutting corners and poor maintenance
- The roof has been poorly maintained following water ingress and cannot support the proposed 9 flats. The roof has blown off twice before in high winds. N.B. a survey report dated 20 February 2014 has been submitted to demonstrate this.
- Insufficient school places

5.2 **One (1) letter** has been received on behalf of the occupiers of **10, 12, 18, 24, 34, 36, 38b, 40 and 42 Newtown Road, and Unit 6 of Hove Business Centre** objecting to the proposed development on the following grounds:

- The development would harm the character of the building, introducing a modern and incongruous form of development rising above the parapet line and highly visible from Hove Station.
- The rear fenestration pattern is unsympathetic to the symmetry of the fenestration to the building, and the metal cladding gives the proposal a modern and incongruous appearance
- The introduction of residential paraphernalia to the amenity areas would detract from the visual quality of the building
- The proposal would unbalance the building in views from the site entrance off Fonthill Road
- The proposal would fail to sustain or enhance the setting of the Hove Station Conservation Area
- Similar applications for development to the roof of the Dubarry building have been refused by the Council and then by the Inspectorate on two occasions, the most recent on the grounds that the penthouse would seriously and unacceptably harm the appearance of the building and its setting

- Loss of daylight, particularly on evenings and in winter months, to Newtown Road and Fonthill Road properties
- The daylight/sunlight report is confusing and inaccurate. It shows properties fail the BRE tests contrary to policy QD27
- The loss of the skylight and disturbance from building works and
- Use of the terraces would impact on working conditions within the businesses below
- The alterations to the ground floor would preclude delivery of large items to the businesses
- The development constitutes town cramming
- Insufficient parking

5.3 **Councillor Jarrett** has objected. Copy of letter attached.

5.4 Following re-consultation following receipt of new Acoustic Report:  
**Sixteen (16)** letters of representation have been received from **6, 12, 14b, 16, 18 (x2), 22, 24, 32, 34, 36, 38b, 40, 42, 44 & 48 Newtown Road; Unit 10 Hove Business Centre; 26 Montgomery Street, objecting** to the application for the following reasons:

- Destruction of an important local building and historical site
- The building should be listed
- Development unsuitable for building and area. Not in keeping with building
- The revisions have not addressed concerns
- Loss of daylight and sunlight
- The daylight/sunlight report is inaccurate, with missing windows and inaccurate numbering
- The development will not be car free as the pay and display bays can still be used
- Parking is limited in the area
- Onsite parking should be provided to avoid overcrowding
- Light pollution from use of walkway
- Overlooking and loss of privacy
- Littering from roof
- Noise and disturbance from occupiers
- Increased traffic pollution
- Increase in petty theft and burglaries
- The dance studio will receive complaints and be forced to shut
- First step in converting building to flats
- Loss of house value
- The building's entire roof will need to be removed
- Businesses will be forced to move out

5.4 **Internal:**

**Environmental Health:** No objection

**Noise**

An acoustic report was submitted by 7th Wave Acoustics as part of this application, and there were a number of communications between Environmental Health and the author over its robustness. Ultimately, while concerns were put

PLANNING COMMITTEE LIST – 13 July 2016

forward as to the introduction of residents into an area that already had established dance schools, and a nearby railway line, it was felt that the acoustic protection outlined in the report was sufficient to deal with the levels of noise found through site monitoring.

- 5.5 However, a number of last minute pieces of information came to light before the application went to committee. Of most concern was an undated letter from the Rox School of dance and Drama, which cast doubt over the acoustic report submitted. In particular, it appeared that the dance school was closed for 6 of the 9 days monitoring. Additionally, it was stated that the internal dance school measurements which were recorded to estimate the passage of sound through the ceiling into the new flats above, were not sufficient. The letter from the Dance School was indicative of the fact that much noisier classes happen, and that the report at the time was not representative of events held at the school.
- 5.6 It was also noted that there were a number of last minute representations from residents about the dance schools, which alleged a significant number complaints made in summer 2013.
- 5.7 In examining the application regards was given to a number of factors, including the number of complaints and the types of complaints received. For clarity, the complaints to Environmental Health were as follows:

Brighton Academy of Dance- Unit 2

<b>Date</b>	<b>Problem</b>
11.7.2008	Fire escape doors open-punching noises and beeping from cross trainers
7.8.2009	Grunting and shouting and whistling noises from fight school

Rox School of Dance and Drama-Unit 3

<b>Date</b>	<b>Address</b>	<b>Problem</b>
28.6.2001	Newtown Road	Loud music and vocal instructions, tap dancing interferes with people's enjoyment of their gardens.
28.6.2006	Newtown Road	They leave their windows open leading to a lot of noise for neighbours i.e. signing, live music, karaoke) during weekdays and weekends
15.8.2007	Newtown Road	Noise from dance school
8.5.2008	Newtown Road	Noise from loud music coming from the dance school
15.7.2009	Newtown Road	Noise from school tap class singing and dancing etc.
27.5.2010	Newtown Road	Noise from classes-windows left open
13.9.2012	Microscape House	Dance school, noise caused by music, dancing, clapping etc.
3.5.2013	Newtown Road	Excessive and annoying noise(tap dancing classes, music, shouting, singing)occurring for last 5 years and reported every year

- 5.8 It is worth noting a number of points about the complaints:



## PLANNING COMMITTEE LIST – 13 July 2016

- The complaints including both Units were made from 2 single residential properties, with the exception being Microscape House.
  - Whilst representations made reference to 156 complaints having been made from a resident directly to the Dance School, the City Council can only consider information it has and as the tables indicate, complainants have not approached the City Council for some, the most recent complaint was in fact 2013.
- 5.9 Due to the dance schools letter, doubt was cast over the accuracy of the noise report and its ability to provide a representative account of the noise climate, which was being used to inform the levels of insulation needed. As such Environmental Health had to revise its comments to suggest that there was currently insufficient information.
- 5.10 Subsequently a new acoustic report by 7th Wave Acoustics (ref: R001.1062.01.NA.2.0), dated the 2<sup>nd</sup> October 2015 has been submitted. As part of this report, a new acoustic survey has carried out. For the avoidance of doubt, the Schools were contacted to ensure that any measurements taken would be representative, and Scott Castle, Senior Environmental Health Officer attended on site measurements.
- 5.11 It is worth noting that the onsite measurements were done with the windows to Rox School of Dance open, in order that a worst case scenario could be represented. Rox School of Dance advised that windows are usually closed, and that they have air conditioning in order to enable this.
- 5.12 Rox School of Dance also stated that the noise levels from Brighton Academy of Dance were unusually loud during the period when on site monitoring was carried out.
- 5.13 With regards to the floor separating the dance schools and the proposed residents, further sound insulation measures have been applied to this separating floor since the previous acoustic report. These measures provide a higher level of sound reduction and look to ensure that noise intrusion into the flats from the dance school is minimised as far as reasonably practicable.
- 5.14 The new monitoring showed a higher level of noise from the dance schools that previously reported. Taking these new levels, and the improved sound insulation into account, it is believed noise levels intruding into the proposed residential properties is likely to be around 4 dB LAeq,1 min. As a worst case scenario, the report has also shown levels of intrusion could possibly be as high as 25 dB LAeq,1min. While the noise from the studio may still be heard on occasion, it is significantly below the recognised criteria for an acceptable internal noise environment. Given the sites commercial nature there is a certain level of “buyer beware”.
- 5.15 This report also shows that standard double glazing should be sufficient for the proposed properties so long as ventilation is provided. This is because the noise criteria specified in British Standard 8233 and by the World Health Organisation can only be met with the window closed.

- 5.16 The type of ventilation used will need to be agreed with Environmental Health in order to ensure that it will meet acoustic requirements, and that it won't in itself cause a noise nuisance.
- 5.17 Contaminated land  
Hove Business Centre has been prioritised under Part IIA of the Environmental Protection Act 1990, as it has been flagged as potentially contaminated land due to multiple industrial uses at site. It is therefore prudent and appropriate in this instance to apply a full contaminated land condition. This condition is phased, and a robust desk top study (including site walkover), conceptual site model and risk assessment will be the minimum requirement.
- 5.18 Construction Phase  
Aside from issues with noise and contaminated land, there are also concerns about how local residents will be affected during the construction of the proposed residential dwellings. Having been out to site, it appears that the proposed properties are in very close proximity to multiple existing residential and commercial businesses.
- 5.19 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.
- 5.20 Therefore if the application was to proceed it is recommended that a Construction Environmental Management Plan be required, and that this necessitate the final developer signing up to a section 61 prior agreement. The CEMP may be secured through the Section 106 process, if applicable.
- 5.21 **Heritage:** No objection  
This scheme will be visible from Hove Station but will not be seen from other vantage points in the setting of the station or of the conservation area, therefore these comments are provided having regard to the impact on the building its self which is included on the list of buildings of local interest. Inclusion on the local list requires that in considering planning applications affecting the building its 'special interest' will be taken into account.
- 5.22 The southern elevation of the proposed additional floor has been divided to reflect the window rhythm on the lower floors. The materials for these solid panels will need to be fully considered; it may be better that they reflect the brickwork below, however this will depend on the final choice of material for the panels, and the alternative dark cladding may be recessive enough behind the individual parapets.
- 5.23 The rear of this building is far more utilitarian than the front and has also been more affected by alterations and fire escapes. The additional height resulting from the proposed walkway roof lights gives top-heavy proportions in elevation,

however the set-back will diminish this effect in reality. The largely unbroken frontage line and uniform material does not reflect the individual sections of this building and as a result could appear an over dominant, linear element of the building.

**5.24 Sustainable Transport: No objection**

No objection subject to a contribution of £6,750 towards sustainable transport infrastructure and details of a scheme to provide a segregated footway within the car park for pedestrians to reach the residential access. Based on census data the development would likely generate additional parking demand for 5 vehicles. This should be mitigated by the inclusion of a Residential Travel Pack for occupiers that includes 2 years membership of the Car Club.

**5.25 Housing: No objection**

**5.26 Access: No objection**

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adjusted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

## PLANNING COMMITTEE LIST – 13 July 2016

DA6	Hove Station Area
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

### Brighton & Hove Local Plan (retained policies March 2016):

TR7	Safe development
TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within of affecting the setting of conservation areas
HE10	Buildings of local interest

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of adding an additional floor comprising residential flats to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, the standard of accommodation to be provided, affordable housing, and sustainability and transport issues. Also relevant is the potential impact of the residential accommodation on the existing business units within the building.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Principle of Development:**  
The site is located outside the northern boundary of the Hove Station Area Development Area identified within policy DA6 of the City Plan Part One. Policy

DA6 generally seeks to maintain and strengthen employment provision within the area as well as providing for residential uses. It is not considered that the proposal runs contrary to these aims.

- 8.4 Hove Business Centre is located within the former Dubarry Perfumery building and comprises a mix of B1, B8, D1 & D2 uses. The Perfumery was built in the 1920's and is formed of six linked buildings, with the Business Centre located in the four westernmost buildings. The remaining part of the Perfumery is formed of office units within Microscape House adjacent and by residential flats within Dubarry House beyond at the far east of the site. The building is notable for its ornate parapet roofline and original mosaic signage retained on the southern elevation. The building falls within the setting of the Hove Station Conservation Area to the southeast, and to the Grade II listed Hove Station buildings and footbridge which lie approximately 60m to the southeast across the railway line. Residents have identified that the building is under consideration to be listed however no application has been made to English Heritage. The building has been formally adopted as a building of local interest by reason of its ornate southern elevation and its historical position and use within the Hove Station Area.
- 8.5 Locally listed buildings are categorised as 'non-designated heritage assets' within the NPPF and NPPG. Paragraph 135 of the NPPF requires Planning Authorities to take into account the effect of an application on the significance of a non-designated heritage asset, and reach a balanced judgement as to the scale of any harm or loss and the significance of the asset.
- 8.6 In this instance the significance of the building is most borne out by its southern elevation and parapet roofline. This is most visible from the station platforms opposite and from the footbridge overpass to the east of the site. The parapet roofline, which is different on each section of the building, is silhouetted against the sky when viewed from the station platforms, but is set more amongst rooftop clutter when viewed from the public footbridge to the east. The original roof form of the building has been eroded by the addition of an additional storey on Microscape House to the east which, although set back from the parapet, appears as a detracting piecemeal addition, and by stairwell, railing and rooflight upstands along the main roof.
- 8.7 The application proposes to continue the general scale and footprint of the Microscape House addition west across the entire roof to the building. This would serve to remove much of the rooftop clutter and provide a cleaner, more unifying form behind the parapet. Subject to the agreement of the final materials by condition to ensure a suitably recessive appearance, this approach would serve to preserve the appearance and visual dominance of the historic parapet roofline.
- 8.8 On balance, having regard its local listing, the extent of its public visibility, and the need for housing in the city, it is considered that a roof top addition in the manner proposed would not in principle be so harmful to the significance of the building as to justify withholding permission. Nor would it have a significantly harmful impact on the setting of the Hove Station Conservation Area, or the setting of the Grade II listed Hove Station buildings and footbridge given its subordinate scale

and separation from these heritage assets. This view is subject to the acceptability of all other material planning considerations as set out below.

8.9 Objectors have identified that previous applications for additional storeys on Dubarry House have been refused on account of harm to the appearance of the building. Dubarry House is a largely residential building on the eastern side of the linked complex. It is four storeys in height with an ornate frontage to Hove Park Villas. The applications for an additional storey were refused as the proposals added to the tallest part of the site and failed to visually link to the elevations below. The current proposal is on the lower three storey section of the complex where an additional storey would relate more appropriately to the building below and be generally less disruptive to the overly scale of the complex. As such the refusals for development on top of the tallest building within the Dubarry complex do not automatically preclude appropriate additions elsewhere on the lower sections.

8.10 Design and Appearance:

The additional storey would be inset between 2m and 2.7m from the front parapet roofline and be completed in a dark grey metal/zinc finish with windows of matching appearance. This would give the additional a recessive appearance and assist in retaining the primacy of the existing elevations and parapets. The design of the additional storey links appropriately with the vertical division across the building, with suitable visual breaks between each building type and windows aligning with those below. The final details of materials and windows are secured by condition and, if appropriately treated, would serve to ensure that the additional storey forms a suitably unifying and subordinate crown to the building.

8.11 To the rear, the building is of lesser visual significance. The additional storey would be set variously between 2m and 3.1m from the rear elevation, and be completed in solid dark grey metal/zinc walls as per the front elevation. No windows would be in this rear elevation, with the massing regularly punctuated by insets aligning with the windows in the elevation below. Angled rooflights would project 0.5m above the rear part of the roof to provide natural light into the rear walkway access. The general position, scale and elevational treatment of the rear elevation is considered acceptable in design terms, providing a suitably articulated elevation inset appropriately from the main rear elevation such that it would appear a subordinate addition when viewed from the properties along Newtown Road to the rear. Subject to final details of materials, the proposed rooftop extension is considered an appropriately scaled and design addition that would unify the roof of the building without significantly harming its heritage significance, in accordance with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and QD14 & HE6 of the Brighton & Hove Local Plan.

8.12 To the front, a new curved entrance canopy to the residential lift and stairwell is proposed. This is a lightweight addition that would not detract from the appearance of the building.

8.13 **Affordable Housing**

National planning policy on affordable housing, as set out in the National Planning Practice Guidance following the Written Ministerial Statement of 28 November

2014 (as upheld by the Court of Appeal on 11 May 2016), states that affordable housing contributions should not be sought from developments of 10-units or less. The Court of Appeal Judgement provides authority that this threshold is not to be applied as mandatory. Instead it forms part of National Planning Policy and as such forms a material consideration to be weighted alongside the development plan and all other material considerations. As formal national policy, the Council attaches substantial weight to the contents of the Written Ministerial Statement and the updated NPPG guidance.

- 8.14 At a local level policy CP20 of the City Plan Part One (adopted 24 March 2016) requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper (approved by Economic Development & Culture Committee on 16 June 2016), 9 units of the mix proposed within Zone 2 would require a contribution of £241,500 (equivalent to two one-bedroom units).
- 8.15 Although contrary to National Policy on the application of affordable housing thresholds, the Council considers there to be significant local circumstance that warrants the application of greater weight to policy CP20 than the national threshold set out above. This local circumstance is based on a combination of overall housing shortfalls, the identified need for affordable housing, and the substantial proportion of the housing being delivered through small scale development of 10 units or less within the city.
- 8.16 In the case of Brighton & Hove, the housing provision target within the City Plan Part One is for 13,200 new dwellings to be provided up to 2030. This represents 44% of the city's objectively assessed housing need which was assessed to be 30,120 dwellings. The City Plan Inspector accepted this provision given that the city is highly constrained in terms of opportunities for further growth and expansion.
- 8.17 The need for affordable housing provision in Brighton & Hove is acute. This need is evidenced by the Council's Background Study Paper 'Objectively Assessed Need for Housing (June 2015) which identifies entry-level house prices 9.6 times the earnings of younger households, a current affordable housing need of 11,528 households, and a net annual need of 2,105 households per annum. This equates to a net annual need of 810 affordable homes, which on its own is a greater figure than the projected total annual delivery of all housing types which is 660 units over the plan period. Overall the report demonstrates an acute need for new affordable housing provision in the city. This need was acknowledged by the Inspector in her assessment of the City Plan Part One and by her approval of the policy (CP20) to secure affordable housing provision / contributions in respect of schemes of 5 units or more.
- 8.18 In addition to the above, a substantial proportion of the housing delivered in recent years within the city has been through small scale development of 10 units or less. This theme is projected to continue in forthcoming years and therefore it is essential to the successful delivery of the Council's affordable housing strategy

as set out in the City Plan Part One that schemes of 5 units or more do contribute to the delivery of affordable housing.

- 8.19 In the period 2010 to 2015, schemes of less than 10 residential units delivered 53% of all new housing units in Brighton & Hove. Schemes of 5-9 units delivered 469 new housing units in Brighton & Hove which equates to 24% of the housing units delivered across the city as a whole. This is a substantial proportion and to not secure affordable housing provision in respect of such schemes would have a significant detrimental impact upon the delivery of affordable housing in the city during the plan period.
- 8.20 For these reasons, and having regard the individual merits of the application site, the Council considers that significant weight should be given to the lower thresholds set out in Policy CP20, above and beyond the substantial weight that the National Policy on affordable housing thresholds otherwise carries. No site specific issues or viability case have been presented by the applicant to suggest that the contributions sought would threaten the viability of the scheme or represent a disproportionate burden upon the developer. The applicant has clarified that they are not prepared to make this contribution. Therefore the application fails to accord with City Plan Policy CP20 and is recommended for refusal accordingly.
- 8.21 **Standard of Accommodation:**  
The nine units would comprise four one-bedroom flats, four two-bedroom flats, and one two/three-bedroom flat. The general size and layout of each flat is acceptable, with each room having good access to natural light and ventilation. Each unit would have a private south facing balcony to comply with policy HO5.
- 8.22 Policy HO13 requires all new residential units to be Lifetime Homes compliant. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The building is accessible step-free to all levels therefore a condition is attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.23 A noise survey has been submitted which calculates that noise disturbance from the railway line can be suitably mitigated through the use of measures such as standard double glazing and alternative ventilation means for all front facing rooms. Such measures are secured by condition.
- 8.24 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.25 The main concern is the impact of the development on the amenities of adjacent occupiers, particularly those to the rear along Newtown Road. Also of concern is the potential impact of noise from the business uses within the building on the



amenities of future occupiers, and the risk such noise may result in noise complaints from future residents.

8.26 Residential amenity

As existing, Hove Business Centre is set between 11m and 13.5m from the properties on Newtown Road, and approximately 6m from their rear gardens. The building is three storeys in height with a basement level to the west side, and has large windows facing towards the Newtown Road properties. The scale and proximity of the building dominates the outlook to these properties, whilst the facing windows result in night-time light pollution and a strong sense of overlooking. This impact is somewhat alleviated by the business use of the building, with little or no weekend activity.

8.27 Residents of Newtown Road have raised significant concerns over the impact of the additional storey and its residential occupancy. The bulk and massing of the additional storey would be set between 2m and 3.1m from the rear elevation of the building and would undoubtedly have some impact on light and outlook to these properties, with section drawings through the building indicating that the main body of the extension would be visible above the existing roofline from the rear ground floor doors to the properties along Newtown Road. From the site visit it was clear that the additional storey would indeed be visible from the ground floor windows and gardens to properties on both Newtown Road and Fonthill Road.

8.28 However, given the 2m-3.1m inset of the additional storey, and its separation of between 14m and 16.4m from the properties along Newtown Road, its degree of visibility from ground level would be somewhat limited. As such it is not considered that it would have a significantly oppressive impact or result in a significant loss of light or outlook. Whilst its visibility would be considerably greater from upper floor windows and terraces, this would be set against broader sky views such that it would not be significantly oppressive or harmful to light or outlook.

8.29 The original daylight/sunlight assessment contained many inaccuracies in its assessment of the numbering, form and fenestration of the properties along Newtown Road, and has now been superseded. The new assessment contains the correct numbering and upper floor window patterns, but continues to omit several of the rear ground floor doors and windows to the Newtown Road properties. This weakens the robustness of the report. Notwithstanding these omissions, sufficient data is available for other ground floor doors and windows in the terrace which sit on the same plane and in the same proximity to the building to ascertain the likely reduction in light levels that would result from this development.

8.30 The assessment identifies that all adjacent properties would experience some loss of daylight, however no window tested would fail the BRE guidance tests. The degree of lost light would be variously between 1% and 10%, significantly below the 20% drop that the BRE guidance suggests would be appreciable and potentially harmful. The most significant loss of light would be to the ground floor windows in the rear outriggers, however in this instance a maximum 10% loss of

light is not considered significant. This modest loss of light adds weight to the conclusion that loss of daylight would not be so significant as to warrant the withholding of permission.

- 8.31 In terms of sunlight, the report identifies that three recessed ground floor windows at 20, 22 & 28 Newtown Road would fail 2 of the 3 criteria for assessing sunlight within the BRE guidance. The other 112 windows identified in the report would comply with 2 or more of the 3 criteria. It is clear from the site visit that an additional storey would increase the massing of the building and result in some loss of winter sunlight reaching ground floor windows and garden areas. This loss of winter sunlight is borne out in the data within the sunlight assessment. Notwithstanding this, the rear ground floor windows within the adjacent properties would retain direct sunlight for more than six months of the year, with the angle of the development rising from 29 degrees currently to 35 degrees post-development (N.B. the angle of the midday sun at the March/September equinox is 39.4 degrees). Given that the rear elevations of Newtown Road are south facing, these properties would retain similar levels of sunlight throughout much of the year. Consequently the degree of harm would not be so significant as to warrant the withholding of permission
- 8.32 To the west, the extension would be inset 3m from the west elevation. This setback is sufficient to ensure minimal amenity impact on the rear gardens and windows to nos.1-9 Fonthill Road, with the extension part disguised behind an existing stair tower.
- 8.33 There are no windows proposed in the rear elevation therefore the proposal would not result in overlooking of properties along Newtown Road or Fonthill Road. The rooflights are orientated to the south with blank rear upstands. This is sufficient to ensure no significant light spillage to the rear. The complete enclosure of the walkway access is sufficient to ensure minimal potential noise disturbance from residents accessing their properties.
- 8.34 On balance, the inset position of the additional storey is such that it would not have an excessively oppressive or enclosing impact when viewed from the gardens and ground floor windows along Newtown Road, would not result in loss of privacy, and would not result in a significant loss of daylight or sunlight.
- 8.35 Impact on existing businesses:  
A large number of objections have been received from employers and employees of the building concerned that construction noise and disturbance will be intolerable and would necessitate business moving out of the building and likely away from the city. Several of the representations refer to poor maintenance of the roof and the likely need for it to be replaced to accommodate the additional storey.
- 8.36 Construction works would undoubtedly create noise and inconvenience for existing businesses in the building, however such impact is not irregular in this instance and not grounds in itself to withhold permission. To ensure impact on the amenities of businesses and adjacent occupiers is protected as far as is reasonably possible, a condition is attached requiring the submission of a

Construction Environment Management Plan. The mitigation of any harm caused by development works that falls beyond the scope of the Plan would be a private matter for the building's owners to agree with current occupiers, either through the terms of their leases or otherwise. Similarly, any need for a roof replacement or repair to accommodate the development would be a matter for the Building Regulations to address.

- 8.37 Concern has been raised that the addition of residential units above existing businesses may give rise to noise complaints that ultimately prejudice the abilities of the businesses in the building to function as normal. Concern has also been raised that the loss of a rooftop skylight would have a harmful impact on the quality of office accommodation below. A new Planning Noise Assessment (7 October 2015) has been submitted following concerns over the robustness of the Assessment originally submitted. The new Assessment includes new recorded data of noise generated by businesses within the building, as well as noise from the adjacent rail line.
- 8.38 The building is occupied by a mix of B1 office units, B8 storage units, and D2 leisure uses. The B8 uses are mainly at ground floor level and as such would not result in significant noise disturbance, whilst the nature of B1 office uses is such that disturbance is highly unlikely, and more so particularly outside of working hours. There are however yoga and dance studios in the building that by their nature likely to generate significant potential for noise disturbance. The dance studios in particular are located at third floor level, immediately below the proposed flats.
- 8.39 The new noise assessment was carried out in two phases, from front and rear recorders on the roof of the building from Wednesday 3 June 2015 continuously to Sunday 7 June 2015, and then from front and rear recorders directly above the Rox dance studio from Monday 22 June 2015 to Monday 29 June 2015. The updated noise report confirms noise levels on the roof to be near identical to those from the original surveys. The report calculates that noise levels in the new flats with the windows shut would fall comfortably within the criteria set by BS8233 and the WHO. Noise levels with windows open would exceed the recommended standard however the report recommends that this can be suitably addressed by providing alternative means of ventilation so windows can stay shut if necessary. This is not an irregular arrangement in an urban environment such as this and is secured by condition.
- 8.40 New noise surveys have been also carried out from within the Rox dance studio, with worst case recordings taken between 19:00 and 20:00hrs on Wednesday 3 June 2015. The recordings were taken with the windows open (usually they are shut) and during class that Rox advised was one of their loudest. The recordings showed noise levels to range between 73db and 90db, with averages of 85db. The report models the sound performance of the proposed new floor above, which is predicted to achieve 70-74db sound insulation. This would equate to noise levels transmitting into the proposed flats of between 4db and 25db, well within the 35db recommended in BS8233. The report concludes that worse case noise levels from the dance studio would be highly unlikely to cause concern and could well be inaudible.

- 8.41 The Environmental Health team are satisfied that noise transference through the roof of the building and around its façade would not likely result in harmful noise disturbance for future residents above, or result in complaints against the dance studio below even if their windows are open.
- 8.42 Subject to the recommended conditions to secure the sound insulation between the floors and the alternative means of ventilation, the application is considered to accord with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8.43 With regard the loss of the skylight, this would undoubtedly impact on the existing quality of accommodation within the business below, however its loss would not prevent future business use of the unit. The unit and the building as a whole would retain large windows regularly positioned on the north and south elevations providing good natural light and outlook to all floors.
- 8.44 The proposed canopy to the front would include a single door access in place of large open shutters. This reduced access arrangement would likely impact on the ability of the business units to readily accept or distribute large and bulky goods in the manner to which they are accustomed. A condition is attached seeking revised details of the new access door arrangement to ensure appropriate accessibility is maintained for all users of the building.
- 8.45 For these reasons the proposed development would not result in a significant or harmful loss of amenity to existing residents or businesses, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.46 **Sustainable Transport:**  
The site is within Controlled Parking Zone T, in a sustainable location adjacent to Hove Station and public transport routes. The proposal will provide no onsite parking for the residential units, with the existing provision to be retained for the existing business occupiers. SPGBH4 identifies that this scale of development would require a maximum provision of 14 parking spaces, whilst 2011 census data suggests that 9 flats would likely generate demand for five parking spaces. As the application proposes no parking provision the sustainable transport officer has requested a Residential Travel Information Pack be secured by way of a s106 agreement. The pack would include measures to promote sustainable transport usage and 2 years membership to the Car Club. A s106 agreement would also be needed to secure a contribution of £6,750 towards sustainable transport infrastructure in the Fonthill Road, Conway Street, Clarendon Road area. Although in a CPZ it is not considered appropriate in this instance to require that occupiers be made ineligible for parking permits as the edge of the CPZ is a short distance to the northwest. If made car-free, residents would likely park on the streets outside the CPZ increasing parking pressure in these areas. Consequently making the development car-free would be counter-productive to reducing parking pressure.
- 8.47 Bicycle storage for 24 bicycles is proposed in an existing rear storage building. This is above that required by SPGBH4 and is secured by condition. The Sustainable Transport officer has also requested a pedestrian footway be

delineated within the site and this could be secured by condition to minimise risk of pedestrian and vehicle collision.

8.48 If the application were approved conditions and s106 measures would ensure the proposal accords with policies CP9 of the Brighton & Hove City Plan Part One and TR7 & TR14 of the Brighton & Hove Local Plan.

**8.49 Sustainability:**

Policy CP8 of the City Plan Part One requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It also requires the non-residential element to meet BREEAM 'very good'. This is secured by condition. Acceptable refuse and recycling facilities are detailed in an enclosure within the front car park, and are also secured by condition.

**9 CONCLUSION**

9.1 The applicant has failed to provide a contribution towards affordable housing within the city as required by policy CP20 of the City Plan Part One. Having regard local circumstance this policy is considered to carry significant weight above and beyond the substantial weight to be attached to National Policy on the application of affordable housing thresholds. The proposal therefore fails to meet the social strand of sustainable development within the National Planning Policy Framework, notwithstanding the acceptability of all other aspects of the development. The refusal of permission is therefore recommended on this basis.

**10 EQUALITIES**

10.1 The development is required to meet Requirement M4(2) of the optional requirements in Part M of the Building Regulations for all units.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Reason for Refusal:**

1. The applicant has failed to provide a contribution towards affordable housing within the city as required by policy CP20 of the Brighton & Hove City Plan Part One.

**11.2 Informatives:**

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

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

PLANNING COMMITTEE LIST – 13 July 2016

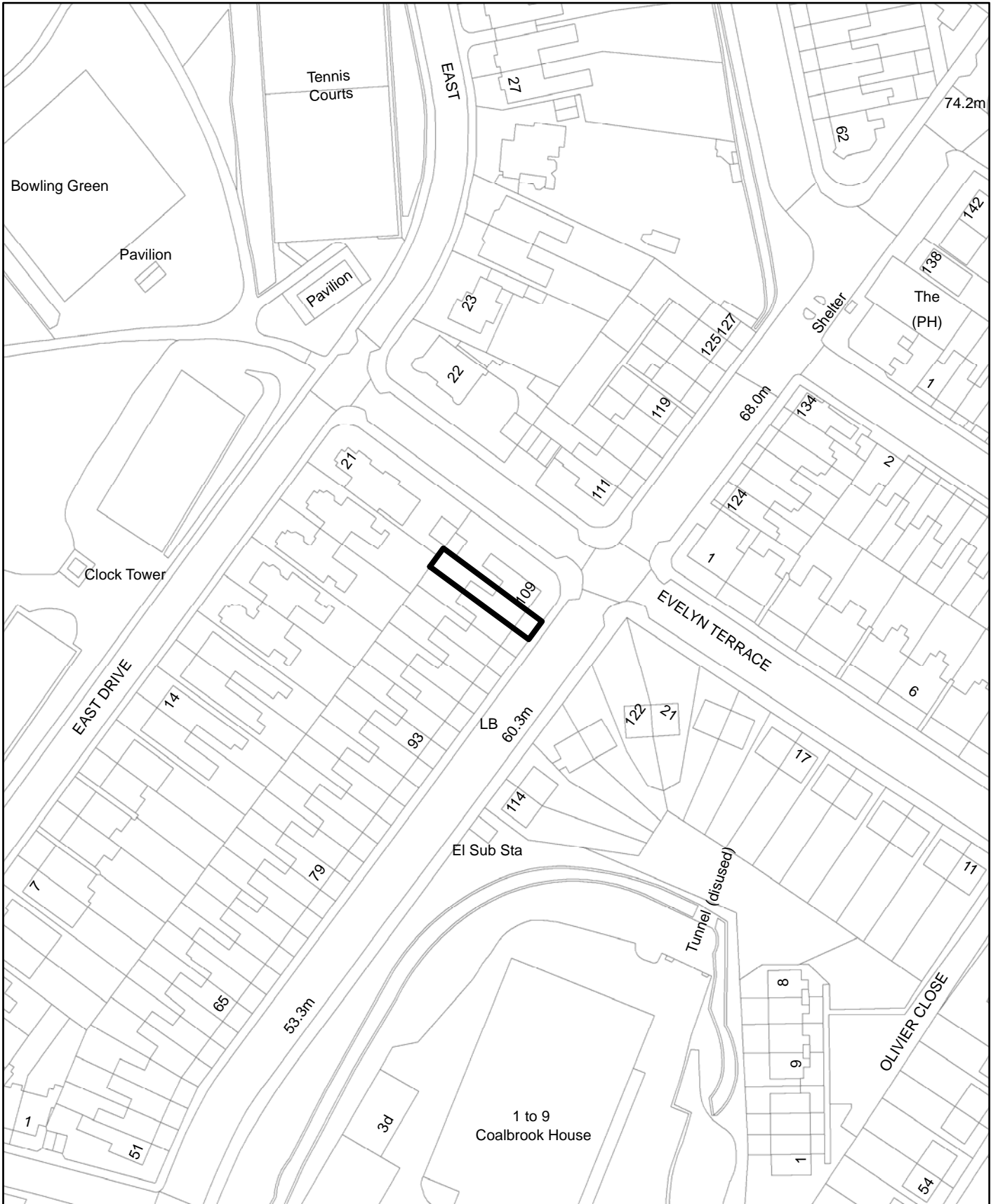
<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	13-113-01	A	06/11/2014
Existing block plan	13-113-02	A	06/11/2014
Proposed block plan	13-113-03	B	06/11/2014
Existing ground and roof plans	13-113-04	A	06/11/2014
Existing south, north and west elevations and section A-A	13-113-05	A	06/11/2014
Proposed ground and roof plans	13-113-06	D	06/11/2014
Proposed south, north and west elevations and section A-A	13-113-07	C	06/11/2014
Proposed roof plan/flat layouts	13-113-08	C	06/11/2014
Part front elevation	13-113-09	B	06/11/2014
Part rear elevation	13-113-10	B	06/11/2014
Proposed section A-A	13-113-11	C	06/11/2014
Existing and proposed front elevation	13-113-12	B	06/11/2014

# **ITEM E**

**107 Freshfield Road  
BH2016 / 00302  
Full Planning**

**13 July 2016**

# BH2016/00302 107 Freshfield Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/00302</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>107 Freshfield Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	28/01/2016
<b><u>Con Area:</u></b>	Adjoining Queens Park CA	<b><u>E.O.T</u></b>	13/06/2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Ms Claire Johnson, 23 De Montfort Road Brighton BN2 3AW		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a two storey terraced property with accommodation within the roofspace on the western side of Freshfield Road.

## 3 RELEVANT HISTORY

None relevant.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective).

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

**Twenty Five (25)** letters of representation have been received from **39, 45, 51, 57, 59, 61(x2), 63, 69(x2), 73, 85, 89, 91(x2), 93, 95, 97, 101, 103, 105 Freshfield Road, 17, 18, 20 East Drive and 17 Quebec Street** objecting to the application for the following reasons:

- Proposed HMO use is unsuitable for this family area,
- The proposed use will increase noise and disturbance,

- Increased parking stress,
- Potential highway danger,
- May set a precedent for further HMO conversions,
- Queens Park area is not suited to high turnover tenants be they students or professionals,
- If the application is granted it is likely that the property will be extended in the future to form a large HMO,
- The HMO use would erode the existing family character of the area,
- Loss of privacy,
- Increased refuse and recycling,
- Untidy gardens,
- No disabled access,
- The change of use is driven by profit and not to the benefit of the local community,
- Increased air pollution from increased traffic,
- Housing stock has little sound insulation and unsuited to multiple occupancy and potentially increased noise and disturbance,
- Would be contrary to the aims of the Article 4 direction.

5.2 **Thirty (30)** letters of representation have been received from **107(x3) 134 and 188 Freshfield Road, 11 Woodside Avenue, 81 Osborne Road, 20 Canning Street, 27 St. Helens Road, 15 (Flat 6) Buckingham Road, 11 Windmill Street, 17 Upper Wellington Road, 10 (Flat 2) College Terrace, 25 De Montfort Road, 2 Nesbitt Road, 33 Seville Street** and **14(x4) Cuthbert Road, 12(x5) Monk Close** and **11(x5) Nanson Road** supporting the application for the following reasons:

- The proposal would provide much needed affordable housing in the area,
- The landlord is considerate to its tenants,
- There is a lack of housing available in the area for professional sharers,
- The applicant would only let rooms to professional and responsible individuals,
- The house will be maintained to a high standard with no mess or noise.
- Cycle parking will be provided to the rear,
- The proposal would help to alleviate the housing shortage,
- The Article 4 direction is reducing the availability of homes for sharers, this application will help to elevate this.
- The Article 4 is contrary to the council's principles of creating a diverse, inclusive and economically stable population,
- Due to the housing shortage in Brighton more people will be compelled to live in shared houses,
- The property is well sited, close to local shops and amenities, the seafront public open space,
- There is no issues with parking within the immediate area,
- The area has good public transport links,
- High quality standard of accommodation and internal layout,
- Policies are biased towards existing home owners to the detriment of younger, poorer more transient occupiers,
- The property would encourage a mixed, diverse community,

- The existing family residing in the application property intend to remain in the property with lodgers rather than let the property out in its entirety to a group of unrelated individuals.

**Internal:**

**5.3 Sustainable Transport: No objection:**

Whilst the change of use could result in an uplift in trip generation it is not considered that this would result in a significant impact upon the surrounding transportation and highway networks.

- 5.4 No car parking is proposed, however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking. The applicant has not proposed secure, covered cycle parking, in accordance with SPGBH4. There appears to be space on site and as such an appropriate condition should be attached.

**6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.

- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

**7 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
CP9	Sustainable transport
CP19	Housing mix

CP21 Student Accommodation and Houses in Multiple Occupation

Brighton & Hove Local Plan: (retained policies)

TR7 Safe Development  
TR14 Cycle access and parking  
SU10 Noise Nuisance  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO14 Houses of multiple occupancy

Supplementary Planning Guidance

SPGBH4: Parking Standards

**8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of development

8.2 The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 5 bedspaces) who share basic amenities including a kitchen and bathrooms.

8.3 Policy CP21 of the Brighton & Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.4 *'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 use 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.'*
- A mapping exercise has taken place which indicates that there are 36 neighbouring properties within a 50m radius of the application property. One neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 2.77%.

8.5 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change to a C4 HMO would be in accordance with policy CP21.

**Standard of accommodation:**

- 8.6 The internal layout is unchanged, with kitchen, dining room, lounge and WC to the ground floor, three bedrooms and a shower room at first floor level and two bedrooms and a shower room within the loft space. There is also a cellar below the front lounge.
- 8.7 The first floor bedrooms are all relatively spacious with good levels of natural light and outlook. The bedrooms within the loft space are much smaller, with restricted headroom in parts of these rooms.
- 8.8 The floor plans for the loft rooms show an indicative layout with beds, desks and storage shown whilst a sectional drawing indicates the usable headroom. It is considered that these rooms are of adequate size for their function with acceptable circulation space and headroom.
- 8.9 The communal space provided at ground floor level would provide satisfactory amenity space for future occupants and overall the proposal is considered to represent an acceptable standard of accommodation in accordance with policy QD27.

**Impact on Amenity:**

- 8.10 Whilst the development could result in up to 6 unrelated persons residing within the property it is not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.

**Transport:**

- 8.11 Though the change of use could result in an uplift in trip generation, it is not considered that this would result in a significant detrimental impact upon the surrounding transportation and highway networks.
- 8.12 No car parking is proposed; however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking.
- 8.13 Due to existing site constraints it is not considered that easily accessible secure cycle storage of an acceptable design could likely be provided to the front of the property. As such the lack of provision is considered to be acceptable in this instance.

**9 CONCLUSION**

- 9.1 The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMOs. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

**10 EQUALITIES**

None identified.

**11 CONDITIONS / INFORMATIVES**

**11.1 Regulatory 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>
Site location plan	001	-	28 January 2016
Existing and proposed floor plans	010	-	1 February 2016
Existing and proposed second floor plan and section	130	Rev A	6 June 2016

- 2) The lounge, kitchen and cellar as detailed on drawing No.010 received on 1 February 2016 shall be retained as communal space at all times and none of these rooms shall be used as a bedroom. **Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

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

2. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMOs. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

# **ITEM F**

**Pembroke Hotel, 2 Third Avenue, Hove  
BH2016 / 01318  
Full Planning**

**13 July 2016**

# BH2016/01318 Pembroke Hotel, 2 Third Avenue, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01318</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 Pembroke Hotel Third Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.</b>		
<b><u>Officer:</u></b>	Wayne Nee Tel 292132	<b><u>Valid Date:</u></b>	18/04/2016
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	13 June 2016
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Mr & Mrs Papanichola, c/o Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Grade II Listed Building in the Avenues Conservation Area. It is a substantial detached yellow brick villa dating from c1880, subsequently used as flats and more recently a care home. The interior has been affected by modern uses with unsympathetic subdivision of spaces, however many original features survive at least in part.

Externally there have also been alterations, however the property retains a grand presence and makes an important contribution to the group of similar buildings in this location.

The property has an existing Class use of C2 Nursing Home, however it is currently vacant.

## 3 RELEVANT HISTORY

**BH2016/01319** Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations – Currently under consideration

**3/93/0519(F) & 3/93/0520(LB)** Construction of new conservatory above the existing ground floor extension – Granted 20/12/93

**3/86/0436** Change of use to rest home – Granted 12/12/86

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

##### **5.1 Neighbours:**

**Eight (8)** letters of representation have been received from (**Flats E & F(x2) 1 Fourth Avenue, Flat 1 of 3 Fourth Avenue Flats 3, 5, 6, 9 of 9 Kings Gardens**) objecting to the application for the following reasons:

- Loss of privacy from Conservatory windows;
- Effect of conservatory and roof alteration on light levels for neighbours;
- Noise of construction;
- Extensions are out of character;
- Loss of views;
- Effect on right to light;
- Set precedent for further extensions that could increase risk of flooding

**Twelve (12)** letters of representation have been received from (**Flat 7 of 6 Third Avenue, 53 Brunswick Square, 23 Ferndale Road, Flat 4 of 37 Holland Road, Flat 2 of 1 Kings Gardens, Flats 1, 4 & 5 of 2 Kings Gardens, Flat 7 of unknown address in Kings Gardens, Flat 5 of 54 Lansdowne Place, 92 Sandhurst Avenue, Wineham lane Bolney**) supporting the application for the following reasons:

- Good detail to the restoration works;
- Project is not for profit;
- Roof alterations will be a significant improvement;
- Conservatory is proportionate;
- Development will preserve and enhance local heritage;
- In accordance with NPPF and local policy;
- Rare application to be used for original use.

**Cllr Nemeth** supports the application. A copy of the letter is attached to this report.

##### **5.2 Hove Civic Centre** support the application for the following reason:

- Great opportunity to improve and preserve the building;

##### **5.3 Conservation Advisory Group:**

The Group welcome the application and recommend APPROVAL with the following comments:

- Where the façade is repaired the bricks need to be near-matched to the original and should be imperial and not metric
- Fenestration on all proposed dormers should be either one over one or two over two sliding sash.
- The piers to the road need to be reinstated
- Clarification is needed about the railings

**Internal:**

**5.4 Environmental Health: Comment**

**Noise**

It is noted that there is particularly high road traffic noise from the A259. However, the proposed application is roughly 50 metres from the A259, and appears to be offered some protection from 8 Kings Garden. It is therefore not seen that in this particular set of circumstances that an acoustic report is necessary. However changes to the design may alter this.

**Contaminated land**

There is a concern that Pembroke Hotel may contain asbestos, which should be viewed as possible contamination. Having previously been a care home there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012.

In order to make an informed decision a copy of the register is required. If the register details that there is likely asbestos in the property then further investigation, and a remediation strategy if necessary, would also be required in order to protect future residents.

While asbestos may have been managed in the property when it was a care home, this is not always appropriate for residential, as occupiers can't be expected to keep track of asbestos locations or integrity.

**5.5 Heritage:**

This application follows pre-application advice provided to the applicants and incorporates welcome improvements to the internal layout, reverting many rooms to their original proportions and also the removal of disfiguring elements of non-original external alterations and reinstatement of appropriate architectural features. During pre-application discussions on site it was noted that there were significant areas of repair that require attention to ensure the proper preservation of this historic building.

Externally the two main areas of alteration not based on reinstatements are the re-configuration of the roof, and the addition of the glazed extension at first floor.

**Roof**

It is accepted that the current overall roof form is not original and does not present a positive element of the building. As it is not known what the original structure looked like, respectful alteration is accepted as an appropriate approach. In general it is considered that this has been achieved with the proposed roof form and individual dormers. The width of the proposed dormers

is greater than the guidance provided in SPD 12, however the size and proportions sit reasonably within the roof form and it is considered that for this reason, and in consideration of the previous inappropriate arrangement that this element of the proposal is acceptable.

The design of the windows, (multi-paned top sashes) contrasts with the rest of the property and it is not clear what opening arrangement is proposed. Please seek amendments/clarification (it is suggested that single pane sliding sashes would be appropriate).

#### First floor extension

The proposed light-weight extension above the existing non-original ground floor addition in a contemporary style follows the advice previously provided and is considered successful. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Confirmation is sought that it is to be frameless, and details of the means of fixing to the historic structure should be provided (by condition).

Access to the terrace in front of the extension is proposed to be provided from the master bedroom. The design is a plain glazed door and will be in a clearly visible position towards the front of the building. It is considered that this will appear an incongruous feature within this historic part of the building, aligning with the extension rather than the original openings, and should be revised to match the height and reveals of the historic windows. It is suggested that it could have a mid rail at the same level as the adjacent sliding sash meeting rail, and access provided through the bottom sash.

#### Ground floor extension

The additional open area behind the existing extension is considered acceptable, however the success of this visually will largely depend on matching brick details and a condition requiring samples of the brick colour and texture and profiles of specials to be submitted for approval is required.

#### Landscaping

Any works to boundary walls and railings should be part of this application and further details should be submitted if this is proposed.

Mention is made of the replacement of existing entrance tiles with chequerboard 'Victorian' tiles, however no details are provided and full justification for the removal of the existing tiles would be required.

Details of the position and appearance of the electric charging point are required for consideration.

#### Further comments

The amended plans are considered acceptable.

### 5.6 **Sustainable Transport:**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

#### Trip Generation/Highway Impact

The change of use from a nursing home to 1 house is unlikely to generate additional trips to the site therefore the Highway Authority has no objection (and does not request developer contributions in this instance).

Car Parking.

The applicant proposes 1 car parking space with associated crossover as existing and is acceptable and complies with the City Council's Parking Standards SPG04.

Cycle Parking

The applicant appears not to have included cycle parking within the submitted drawings. There appears to be adequate space therefore the Highway Authority requests this detail and the condition below is recommended to be attached. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for a secure covered store or Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

**7 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
- CP14 Housing density
- CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO11 Residential care and nursing homes
- HE1 Listed buildings
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD09 Architectural Features
- SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of the application relate to the loss of the care home, the impact of the proposed external alterations on the appearance of the listed building and surrounding conservation area, the standard of accommodation to be provided, and the effects on residential amenity, sustainability and traffic impact.

### **8.2 Planning Policy:**

Policy HO11 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the loss of residential care and / or nursing homes which comply with, or are realistically capable of reaching the respective standards set out for residential care or nursing homes. In instances where the loss is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.

According to the applicant the care home closed in January 2015. In support of the application the applicant has submitted a Planning Statement that details that building is not suitable for the continued use as a care home, that the care home was not financially viable due to required renovation works, and that the listed building status would not make it possible to bring it up to modern standards. Thus the home would need complete re-decoration and refurbishment to provide any form of residential care.

The submitted evidence suggests that the building has significant restrictions and presents risks and limitations for residents. There are no reasons to dispute the submitted information and it is apparent that the care home was making a loss and would require significant investment in the short term to secure its longer term future.

It is considered that the submitted information sufficiently demonstrates that the existing home is not viable and the works required to meet current standards are not practicable having regard to the financial and internal constraints of the building. The home is not therefore realistically capable of reaching the required standards for residential care homes.

Policy HO11 states a preference for housing or supported housing for people with special needs. However in this case, many of the above adaptations would still be required which would not make the premises viable. On this basis it is considered acceptable in this instance to permit a change of use to a residential dwelling instead.

For these reasons, it is considered that the site does not form a viable care home facility therefore the principle of its release for residential use is accepted.

### 8.3 **Standard of accommodation**

It is considered that the size, aspect and outlook to the house would be sufficient to provide for a good standard of residential accommodation. The existing rear garden would be acceptable in use as a private amenity space.

All new development is required to make provision for adequate refuse and recycling storage facilities. In this instance refuse and recycling is collected from communal on street bins.

It has been identified that the site is in proximity to high road traffic noise from the A259. However due to the distance from the site in this instance, it is considered that future occupiers would not be impacted upon by this to any significant degree.

### 8.4 **Design:**

The NPPF at para 132 states that when considering the impact of development, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (for example substantial harm to or loss of a Grade II Listed Building should be exceptional and substantial harm or loss of assets of the highest significance such as Grade I Listed Buildings, scheduled monuments and world heritage sites should be wholly exceptional). Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

The existing roof form is not original and does not present a positive element of the building. The Heritage Team have highlighted that it is not known what the original structure looked like. The replacement of the existing roof alteration with individual dormers is therefore considered acceptable in principle.

The proposed dormers are not in strict accordance with guidance provided in SPD 12. The overall size and width of the dormers do not relate to the windows directly below. However, the dormers are considered an improvement on the inappropriate roof form as existing and amendments received during the course of the application have further refined the dormers and reduced in size, which are considered appropriate additions.

The proposed front dormer has been altered in width during the application process, and all proposed dormer windows have been altered in terms of their detail. However the overall size and width of the dormers does not relate to the windows directly below.

It is clear however there is a public benefit to the overall scheme, in that it would bring the building back into use, and would involve substantial improvements to the internal assets of the listed building. It is therefore not agreed that the harm identified is substantial and the public benefits and the upkeep of the building in the future are considered to outweigh the harm.

In accordance with the NPPF, the finding of less than substantial harm is judged against the positive public benefits of the proposal and these are outlined in this report. Whilst considerable weight is given to the finding of harm, this is considered to be outweighed by the advantages of the scheme.

The proposed first floor conservatory extension above the existing non-original ground floor addition would have a contemporary style that is considered acceptable in design terms by the Heritage Team. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Further details of the balustrading and details of the means of fixing would be required by condition.

The proposed front terrace at first floor level would be accessed by a new door via the master bedroom. The design of the door has now been amended during the course of the application and is considered acceptable.

At ground floor level, the proposed additional open area behind the existing extension would replace the existing decking area and is considered acceptable, subject to matching brick details and confirmation of the brick colour and texture and profiles which can be conditioned.

Overall the proposal is considered to not be detrimental to the appearance of the building or the wider Conservation Area in accordance with policies QD14, HE1 and HE6.

#### **8.5 Impact on Amenity:**

Policy QD27 protection of amenity confirms that permission will not be granted where development 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.



This is a predominantly residential area; it is therefore considered that the proposed conversion of the building in principle would not result in significant harm to the detriment of neighbouring amenity.

A main consideration is with regard the impact of the residential unit on the amenities of all immediately adjoining properties, by way of loss of light, overlooking and loss of privacy. The proposed first floor extension would be in close proximity in particular to the residents of the flats of no. 9 Kings Gardens.

It is considered that the proposed structure would be of a height and of sufficient distance away that it would not result in significant loss of light to this neighbouring property, or to any other neighbouring properties in the vicinity.

The proposed extension would result in an extensive amount of glazing that would provide direct views towards the shared rear garden and rear windows of no. 9 Kings Gardens, as well as more longer distance and more oblique views towards other properties to the south. However it is considered that this issue could be overcome by way of a condition for obscure glazing to two sections of the proposed south elevation. It is considered that the remaining glazing would not provide significant overlooking due to the distance and oblique nature of the views.

The proposed upper ground floor terrace area towards the rear would have no more significant views than from the existing terrace which it is to replace. It is considered that the roof alterations would result in new windows overlooking neighbours however due to their distance would not result in significant harm in terms of privacy or indeed to light levels.

#### **8.6 Sustainable Transport:**

Policy TR1 of the Brighton & Hove Local Plan requires new development to address the demand for travel they create and should be designed to promote the use of sustainable modes of transport in and off site, so that public transport, walking and cycling are as attractive as use of a private car.

The proposed change of use from a care home to residential house is unlikely to generate additional trips. The proposed level of car parking is as existing and within the maximum parking standards SPG04.

No proposed cycle storage is shown on the drawings. It appears that there is adequate space on site for cycle storage. However locations to the front, due to their prominence, could be detrimental to the Conservation Area. Details of proposed cycle parking would be required through condition.

#### **8.7 Other Considerations:**

The site has been identified as potentially containing asbestos. Further investigation, and a remediation strategy if necessary, would be required in order to protect future residents. This can be addressed as an informative.

## **9 CONCLUSION**

- 9.1 The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.

The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.

## 10 EQUALITIES

10.1 None identified

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 1) 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.
- 2) 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	1559-P-101	P1	14/04/2016
Second floor	1559-P-105	P1	14/04/2016
Proposed joinery	1559-P-109	P2	29/06/2016
Existing internal details	1559-P-110	P1	14/04/2016
Proposed first floor extension	1559-P-115	P2	29/06/2016
Proposed joinery	1559-P-116	P2	29/06/2016
Basement level	1559-P-102	P2	20/06/2016
Ground floor	1559-P-103	P2	20/06/2016
Third floor	1559-P-106	P2	20/06/2016
Roof plan	1559-P-107	P2	20/06/2016
Section A-A	1559-P-108	P2	20/06/2016
First floor	1559-P-104	P2	20/06/2016
East elevation	1559-P-111	P2	20/06/2016
South elevation	1559-P-112	P2	20/06/2016
West elevation	1559-P-113	P2	20/06/2016
North elevation	1559-P-114	P2	20/06/2016
Daylight analysis	1559-P-117	P3	20/06/2016

- 3) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

- 4) No external works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 5) No external works shall take place until full details of first floor extension, including 1:1 scale joinery details and framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 6) No fenestration works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. . Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 7) No external works shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 8) The removal of the fire escape shall include the full removal of embedded metalwork from the masonry and the sensitive reinstatement of brickwork and pointing in matching materials, colours and profiles.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 9) The central and western window panes in the flank (south) elevation of the first floor extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.

The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.
3. The property may contain asbestos, the applicant is advised that the existence of asbestos and its remediation is the applicant's responsibility and falls under separate legislation to planning.

COUNCILLOR REPRESENTATION

**From:** Robert Nemeth  
**Sent:** 13 June 2016 00:50  
**To:** Wayne Nee  
**Subject:** 2 Third Avenue - BH2016/01318

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Wayne

I wish to strongly support the above application and understand that you are the Case Officer. I should be grateful if you would forward on my message if I am mistaken.

I have looked at the application carefully and met with the applicants to research the topic in further detail. There is very little, if anything, that I could think of that would improve the application at all. I commented at the time that it may well be the most impressive planning application that I have ever seen.

The benefits in this instance are clear. Quite simply, a wonderful home will be created that really does do the street justice. The quality of the restoration will be second to none if the project goes ahead as planned. Expert tradesmen such as ornamental plasterers will be employed which is great for the local building trade. This is exactly the sort of thing that I wish would happen more.

I understand that neighbours have raised concerns which is a perfectly natural reaction. When examined in detail though, I feel that the complaints are not justified. For instance, with regard to complaint about light levels, it may well be that the ridge height is to be raised slightly, but it is also the case that the curious window array at the top of the roof is to be removed. The new situation with regard to light may well be an improvement on the current situation. Again, concerns have been raised about the proposed orangery. However, there is currently overlooking from a veranda feature which, again, is to be removed. I see the new situation with regard to this topic as an improvement on the current as well.

It is certainly the case that opportunities like this rarely arise. A building in such need of TLC and a willing and able applicant are rarely matched together in Brighton & Hove in such a fitting manner. It is very unlikely that a building in the Avenues Conservation Area has ever gone from multiple-occupation into owner-occupation after all. Let's embrace it.

I join the Ward Councillor, my colleague Andrew Wealls, in strongly supporting this application. I should be grateful if you would confirm safe receipt of this message.

**Clr Robert Nemeth - Wish Ward**  
**Brighton & Hove City Council**  
**@robert\_nemeth**



# **ITEM G**

**Pembroke Hotel, 2 Third Avenue, Hove  
BH2016 / 01319  
Listed Building Consent**

**13 July 2016**

# BH2016/01319 Pembroke Hotel, 2 Third Avenue, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01319</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>2 Pembroke Hotel Third Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.</b>		
<b><u>Officer:</u></b>	Wayne Nee tel: 292132	<b><u>Valid Date:</u></b>	14 April 2016
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	09 June 2016
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Mr & Mrs Papanichola, c/o Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to GRANT Listed Building Consent subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Grade II Listed Building in the Avenues Conservation Area. It is a substantial detached yellow brick villa dating from c1880, subsequently used as flats and more recently a care home. The interior has been affected by modern uses with unsympathetic subdivision of spaces, however many original features survive at least in part.

Externally there have also been alterations, however the property retains a grand presence and makes an important contribution to the group of similar buildings in this location.

## 3 RELEVANT HISTORY

**BH2016/01319** Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations – Currently under consideration  
**3/93/0519(F) & 3/93/0520(LB)** Construction of new conservatory above the existing ground floor extension – Granted 20/12/93

**3/86/0436** Change of use to rest home – Granted 12/12/86

**4 THE APPLICATION**

- 4.1 Listed Building Consent is sought for Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

**5 PUBLICITY & CONSULTATIONS**

**External**

**5.1 Neighbours:**

**Five (5)** letters of representation have been received from **82 Church Road(x2), unknown address in Church Road, Flat 4 of 37 Holland Road, and Flat 2 Royal Court 8 Kings Gardens** supporting the application for the following reasons:

- Good detail to the restoration works;
- Development will preserve and enhance local heritage;
- Rare application to be used for original use.

**Cllr Wealls** supports the application. A copy of the letter is attached to the report.

**5.2 Conservation Advisory Group:**

The Group welcome the application and recommend APPROVAL with the following comments:

- Where the facade is repaired the bricks need to be near-matched to the original and should be imperial and not metric
- Fenestration on all proposed dormers should be either one over one or two over two sliding sash.
- The piers to the road need to be reinstated
- Clarification is needed about the railings

**Internal:**

**5.3 Heritage:**

This application follows pre-application advice provided to the applicants and incorporates welcome improvements to the internal layout, reverting many rooms to their original proportions and also the removal of disfiguring elements of non-original external alterations and reinstatement of appropriate architectural features. During pre-application discussions on site it was noted that there were significant areas of repair that require attention to ensure the proper preservation of this historic building.

Externally the two main areas of alteration not based on reinstatements are the re-configuration of the roof, and the addition of the glazed extension at first floor.

Roof

It is accepted that the current overall roof form is not original and does not present a positive element of the building. As it is not known what the original structure looked like, respectful alteration is accepted as an appropriate approach. In general it is considered that this has been achieved with the proposed roof form and individual dormers. The width of the proposed dormers is greater than the guidance provided in SPD 12, however the size and proportions sit reasonably within the roof form and it is considered that for this reason, and in consideration of the previous inappropriate arrangement that this element of the proposal is acceptable.

The design of the windows, (multi-paned top sashes) contrasts with the rest of the property and it is not clear what opening arrangement is proposed. Please seek amendments/clarification (it is suggested that single pane sliding sashes would be appropriate).

#### First floor extension

The proposed light-weight extension above the existing non-original ground floor addition in a contemporary style follows the advice previously provided and is considered successful. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Confirmation is sought that it is to be frameless, and details of the means of fixing to the historic structure should be provided (by condition).

Access to the terrace in front of the extension is proposed to be provided from the master bedroom. The design is a plain glazed door and will be in a clearly visible position towards the front of the building. It is considered that this will appear an incongruous feature within this historic part of the building, aligning with the extension rather than the original openings, and should be revised to match the height and reveals of the historic windows. It is suggested that it could have a mid-rail at the same level as the adjacent sliding sash meeting rail, and access provided through the bottom sash.

#### Ground floor extension

The additional open area behind the existing extension is considered acceptable, however the success of this visually will largely depend on matching brick details and a condition requiring samples of the brick colour and texture and profiles of specials to be submitted for approval is required.

#### Interior

Some of the proposed new uses in the basement are likely to involve significant increases in humidity, therefore ventilation requirements are important considerations and the details of this need to be fully considered – please seek further information.

Clarification is required regarding the door details at each level of the building and confirmation is therefore sought that any new single doors proposed (apart from jib/hidden doors) will match surviving originals on the same level of the building.

The multi-paned screens, particularly on the ground floor are considered over fussy and should be simplified with fewer glazing bars.

Unblocking of fire places is welcomed, however details of their finishing treatment are required for consideration.

It is not generally considered that wood-burning stoves are appropriate for the character of interiors of buildings such as this and it is considered that this should be deleted from the scheme. There is also the added complication of where the flue would run or exit the building.

The structural survey identifies areas of damp and their probable causes. The means of dealing with this may need listed building consent and the applicants should provide the details of this for consideration either as part of this application or separately before commissioning works.

#### Landscaping

Any works to boundary walls and railings should be part of this application and further details should be submitted if this is proposed.

Mention is made of the replacement of existing entrance tiles with chequerboard 'Victorian' tiles, however no details are provided and full justification for the removal of the existing tiles would be required.

Details of the position and appearance of the electric charging point are required for consideration.

#### Further comments

The amended plans are considered acceptable.

## **6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

The National Planning Policy Framework (NPPF) is a material consideration.

Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 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 Local Plan (retained policies March 2016):

HE1 Listed Building Consent  
HE4 Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

#### Supplementary Planning Documents:

SPD09 Architectural Features

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

### External

The NPPF at para 132 states that when considering the impact of development, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (for example substantial harm to or loss of a Grade II Listed Building should be exceptional and substantial harm or loss of assets of the highest significance such as Grade I Listed Buildings, scheduled monuments and world heritage sites should be wholly exceptional). Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

The existing roof form is not original and does not present a positive element of the building. The Heritage Team have highlighted that it is not known what the original structure looked like. The replacement of the existing roof alteration with individual dormers is therefore considered acceptable in principle.

The proposed dormers are not in strict accordance with guidance provided in SPD 12. The overall size and width of the dormers do not relate to the windows directly below. However, the dormers are considered an improvement on the inappropriate roof form as existing and amendments received during the course of the application have further refined the dormers and reduced in size, which are considered appropriate additions.

The proposed front dormer has been altered in width during the application process, and all proposed dormer windows have been altered in terms of their detail. However the overall size and width of the dormers does not relate to the windows directly below.

It is clear however there is a public benefit to the overall scheme, in that it would bring the building back into use, and would involve substantial improvements to the internal assets of the listed building, which have had inappropriate alterations in the past. It is therefore not agreed that the harm identified is substantial and the public benefits and the upkeep of the building in the future are considered to outweigh the harm.

In accordance with the NPPF, the finding of less than substantial harm is judged against the positive public benefits of the proposal and these are outlined in this report. Whilst considerable weight is given to the finding of harm, this is considered to be outweighed by the advantages of the scheme.

The proposed first floor conservatory extension above the existing non-original ground floor addition would have a contemporary style that is considered acceptable in design terms by the Heritage Team. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Further details of the balustrading and details of the means of fixing would be required by condition.

The proposed front terrace would be accessed by a new door via the master bedroom. The design of the door has now been amended and is considered acceptable. The removal of the non-original fire escape is welcomed in principle.

At ground floor level, the proposed additional open area behind the existing extension would replace the existing decking area and is considered acceptable, subject to matching brick details and confirmation of the brick colour and texture and profiles which can be conditioned.

Overall the proposal is considered to not be detrimental to the appearance of the building or the wider Conservation Area in accordance with policy HE1.

### Internal

A number of internal alterations and restorations are proposed through the building. Overall the proposed internal works are considered to be welcome improvements to the internal layout, which include reverting many rooms to their original proportions and also the removal of disfiguring elements, and reinstatement of appropriate architectural features. The proposed removal of the lift shaft is welcomed in principle, as is the non-original second floor staircase.

In the basement, the kitchen and bathroom are likely to involve significant increases in humidity, therefore ventilation would be required, details of which can be conditioned.

Clarification is required regarding the door details at each level of the building and confirmation is therefore sought that any new single doors proposed (apart from jib/hidden doors) will match surviving originals on the same level of the building.

The proposed multi-paned screens have been altered to be simplified and are now considered acceptable. The proposed unblocking of fire places is welcomed, subject to further details of their finishing treatment by condition.

The structural survey identifies areas of damp and their probable causes which may require further listed building consent.

## **9 CONCLUSION**

9.1 The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration. Considerable weight and importance is given to the preservation of the listed building and its setting.

## **10 EQUALITIES**

10.1 None identified

## **11 CONDITIONS / INFORMATIVES**

### Conditions:

1) BH01.05 Listed Building Consent

2) No works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 13 July 2016

3) No works shall take place until full details of first floor extension, including 1:1 scale joinery details, framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) No works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

5) No development shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

6) The removal of the fire escape shall include the full removal of embedded metalwork from the masonry and the sensitive reinstatement of brickwork and pointing in matching materials, colours and profiles.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

7) No development shall take place until details and drawings of the proposed ventilation for the basement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.



PLANNING COMMITTEE LIST – 13 July 2016

8) No development shall take place until full details of the proposed fire places have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

9) No development shall take place until details for the new basement stairs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location plan	1559-P-101	P1	14/04/2016
Second floor	1559-P-105	P1	14/04/2016
Proposed joinery	1559-P-109	P1	14/04/2016
Existing internal details	1559-P-110	P1	14/04/2016
Proposed first floor extension	1559-P-115	P1	14/04/2016
Proposed joinery	1559-P-116	P1	14/04/2016
Basement level	1559-P-102	P2	20/06/2016
Ground floor	1559-P-103	P2	20/06/2016
Third floor	1559-P-106	P2	20/06/2016
Roof plan	1559-P-107	P2	20/06/2016
Section A-A	1559-P-108	P2	20/06/2016
First floor	1559-P-104	P2	20/06/2016
East elevation	1559-P-111	P2	20/06/2016
South elevation	1559-P-112	P2	20/06/2016
West elevation	1559-P-113	P2	20/06/2016
North elevation	1559-P-114	P2	20/06/2016
Daylight analysis	1559-P-117	P3	20/06/2016

2. This decision to grant Listed Building Consent has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework, the Brighton & Hove City Plan Part One, and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

PLANNING COMMITTEE LIST – 13 July 2016

(ii) for the following reasons:-

The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration. Considerable weight and importance is given to the preservation of the listed building and its setting.

3. The structural survey identifies areas of damp and their probable causes which may require further listed building consent.

Planning Department  
Brighton & Hove City Council  
Hove Town Hall  
Hove  
BN3 3BQ

30th May 2016

Dear Sir or Madam,

Ref Application Number BH2016/01319 at 2 Third Avenue, Hove

Please note my support for the above application for change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

This project has the opportunity to return one of Hove's grandest houses to close to its original layout and retaining and restoring its original features.

I visited the property on 29th May and considered each of the objections posted to date in detail.

Concerns have been expressed regarding potential loss of light to the property to the rear of 2 Third Avenue as a result of the installation of dormer windows in the roof, replacing the late addition roof crown structure. Whilst this will result in dormer windows which extend closer to the edge of the roof, they are much narrower than the current structure, thereby potentially allowing an increase in light to the property to the rear at some areas of their garden. Additionally, the property to the rear is sufficiently set back from the development property so that overlooking and loss of light should be minimal.

The proposed orangery to the southern elevation will result in the removal of an unsightly fire escape. I understand the Conservation Officer has advised on the design of the orangery and the applicant has welcomed and accepted this advice. Whilst concerns have been expressed regarding loss of light and overlooking from the orangery, to properties to the south, the distance between the southernmost elevation of the orangery and the windows of the properties south is sufficient that any overlooking would be minimal. There is unlikely to be any loss of light since direct sunlight does not enter the southern properties from the direction of the property to be developed. Again, the distance is sufficiently great, and the structure will be of glass so the potential for light loss is minimised.

31 MAY 2016

COUNCILLOR REPRESENTATION

Should officers be minded to refuse this application, I request that it is considered by Planning Committee and that I am informed, so that I am able to make representations to the committee should the applicant request that I do so? \_\_\_\_\_

Thank you in advance,

Yours faithfully,

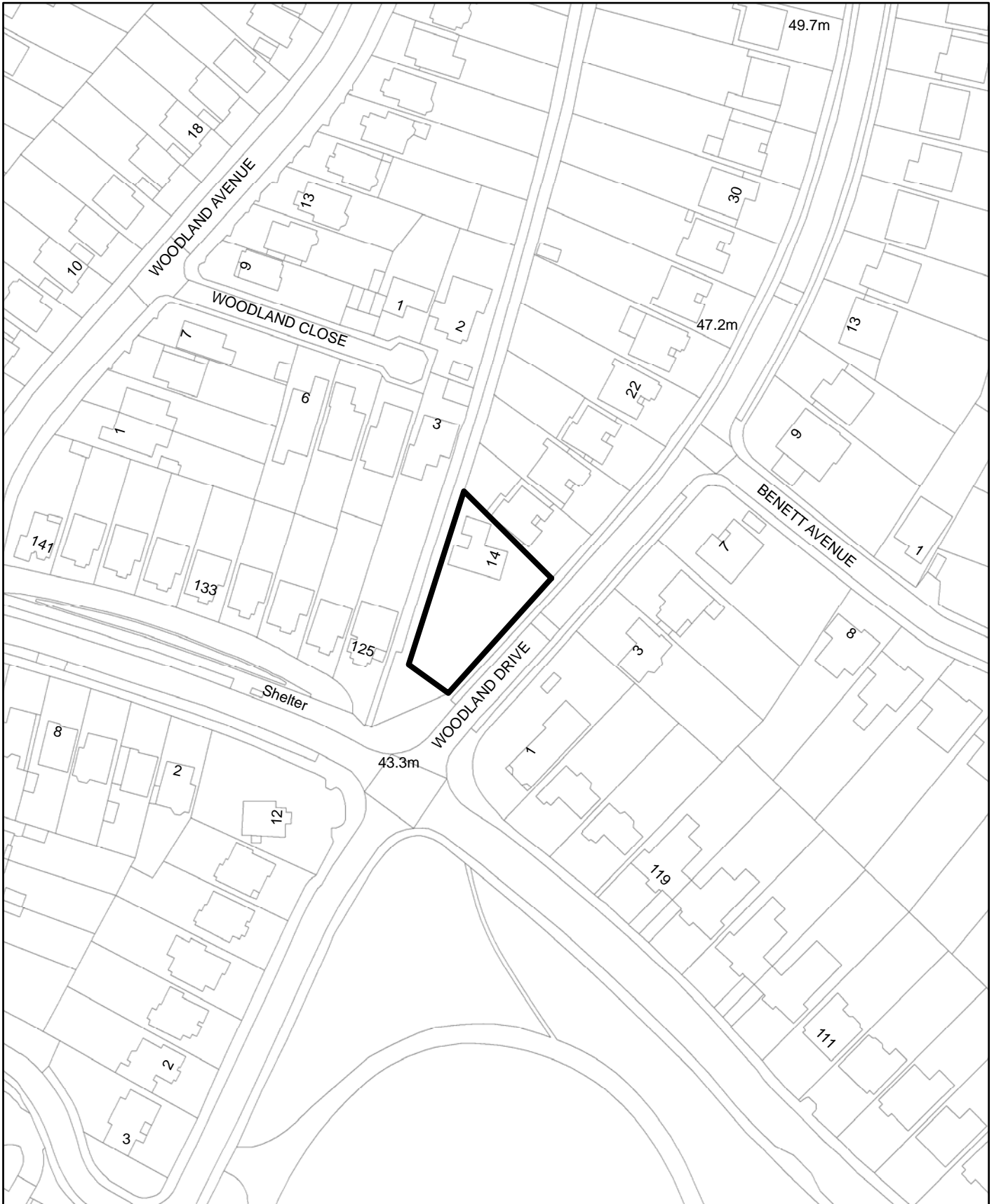


Councillor Andrew Wealls

# **ITEM H**

**14 Woodland Drive, Hove  
BH2016 / 01392  
Full Planning**

**13 July 2016**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2016/01392</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>14 Woodland Drive Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of three bedroom residential dwelling with parking and associated works.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge Tel 292359	<b><u>Valid Date:</u></b>	22/04/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	17 June 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Turner Associates, 19a Wilbury Avenue Hove BN3 6HS		
<b><u>Applicant:</u></b>	Mr Mark Davies, 14 Woodland Drive Hove BN3 6NL		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This application relates to a detached property situated on the north western side of Woodland Drive, positioned close to the junction of Goldstone Crescent. The current site comprises of a two storey detached property with a large garden area to the south.

## 3 RELEVANT HISTORY

None relevant

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two storey residential dwelling with parking and associated works.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from the occupiers of **3 Woodland Close, 125 Goldstone Crescent and 1, 3, 10, 16, 20, 22, 25, 26 and 28 Woodland Drive** objecting to the application on the following grounds:
- Overshadowing and loss of privacy to the occupiers of 3 Woodland Close, 1 Woodland Drive and 125 Goldstone Crescent.

## PLANNING COMMITTEE LIST – 13 July 2016

- Reduction of green space
- Overdevelopment of the plot
- A small 3 bedroom property is not in keeping with the rest of the neighbourhood.
- The application would set a precedent for 'garden grabbing'.
- Slowing traffic from the new driveway poses a risk to the roundabout.
- The garden to No.14 would be significantly reduced
- The proposed development would have limited outside space
- The proposed driveway is positioned close to the roundabout.
- The proposed dwelling sits further forward than the rest of the line of houses changing the entrance to Woodland Drive.
- The proposed development will encourage more parking on the street.
- The proposed dwelling will make traffic noise more prominent.
- The proposed development poses a danger to the nearby junction.
- The new dwelling will be extremely close to No. 125 Goldstone Crescent
- The proposed house is of no benefit to the community.
- The development results in a cramped appearance.
- Potential air pollution from building works
- Impact to the side entrance of 125 Goldstone Crescent during building works
- Potential loss of light
- The development would affect the right to light and air
- The development proposed could cause health complications to the occupiers of 125 Goldstone Crescent
- The application does not include the provision for visitor parking.
- The side elevations of the property incorporate large flank brick walls where there are presently trees and open space.
- The property will be particularly visible given its elevated position.
- The plans submitted show an inaccuracy in the width of the pathway between the application site and 125 Goldstone Crescent.
- The new dwelling is not in keeping with the appearance of neighbouring properties.
- The level of off street parking proposed is not sufficient.

**Four (4)** letters of representation have been received from the occupiers of **Flat 2 Portland House 133 Marine Parade, 27 Beacon Hill, 121 Goldstone Crescent and 25 Campbell Road** in support of the application on the following grounds:

- The proposed development does not impinge or disturb current buildings in the area.
- New homes are a benefit in this area.
- The proposed design is in keeping with other properties in the area.
- Surrounding properties will not be overlooked or suffer overshadowing
- The development does not represent over development of the site.

A letter has also been received from **Councillor Vanessa Brown** objecting to the scheme. A copy of the letter is attached to the report.



- 5.2 **Arboriculture: No Objection.** The proposed dwelling will only result in the loss of a large clump of Laurel from the front garden of number 14 Woodland Drive and will greatly diminish the size of the garden area around this detached property. Whilst securing the construction of a new home is to be welcomed the location of the dwelling will visually impinge on the main access path into three cornered copse. This is likely to give the impression that the footpath entrance way has become narrower and perhaps less inviting to potential users. However, on balance the Arboricultural Section feels that this potential detriment is a marginal one and has therefore no objection to the proposals in this planning application.

**Internal:**

- 5.3 **Highways: No objection subject to condition.**  
Highway Improvement works

Although footways in the vicinity of the site have been improved over the years by developer contributions and government funds there are still junctions along Woodland Drive that for the applicant's benefit need footway improvements (dropped kerbs in particular) to extend the transport network. Also, there are accessible bus stops in the vicinity of the site but mobility scooters are not permitted on buses (due to risks in an accident) hence the further importance of dropped kerbs for this growing mode of transport.

Therefore, if the planning case officer does seek a developer contribution from the applicant then it is requested that it is put towards installing a pair of dropped kerbs with paving and tactile paving if appropriate at the junction of and across Bennett Avenue with Woodland Drive. This is to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure, medical, other dwellings in the wider community and transport in general and at least the Bennett Drive residential area, the local Woodland Drive parade of shops and the local post box in particular that we know of at this point in time.

Cycle Parking

SPGBH4 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 1 new residential unit the minimum cycle parking standard is 2 cycle parking spaces in total (1 for each residential unit and 1 visitor space). The applicant has kindly offered to install 3 cycle parking spaces in their supporting evidence however there is a lack of detail therefore cycle parking is requested by condition.

Vehicular access

The applicant is proposing changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable and therefore it is request that the New/extended crossover condition and informative is attached to any permission granted. It is noted that concerns have been raised about the proposed new vehicle crossover and the following information and comment is offered.

For the 3 years up to 31 March 2016 there have only been 4 recorded personal injury accidents (PIAs) in this area namely at the roundabout junction, and they were all slight. In terms of accident clusters this means that this cluster is ranked

92nd in terms of the number of PIAs in any one area in the city (so there are 91 worse areas).

The proposed new vehicle crossover is near a pair of speed cushions so moving vehicles in this area will already be “traffic calmed”. There is an existing lamp column next to the proposed new vehicle crossover so the area is well lit. The applicant is only proposing one parking space for the new dwelling so that will generate an insignificant number of trips and therefore create an insignificant road safety risk. There is already an existing vehicle crossover near and between the proposed new vehicle crossover and the roundabout on the other side of the road.

#### Car Parking

SPG04 states that the maximum car parking standard for outside a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for each new property. For this development of 1 new residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case.

#### Trip generation

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
  - Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix

#### Brighton & Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
--------	-------------------

#### Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation and Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the visual impact of the development to the wider Brighton & Hove, the standard of accommodation provided and any potential impact to the amenities of neighbouring properties, in addition to transport and sustainability issues.

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

## 8.2 **Design and appearance**

The existing site of 14 Woodland Drive comprises a two storey property to the north of the site with off street parking and a large sloping garden to the south towards the junction with Goldstone Crescent.

Planning permission is sought for the construction of a two storey dwelling to the south of the application site. The dwelling proposed is of traditional form and materials and respects the character of properties on both Woodlands Drive and Goldstone Crescent.

The new dwelling proposed depicts elements of nearby properties on both Woodlands Drive and Goldstone Crescent through the incorporation of gable ends, incorporating areas of render at first floor level in addition to a tiled roof of matching form to other properties in the vicinity of the site such as No 127 Goldstone Crescent and 18 Woodland Drive. As such the design and form of the development proposed respects the characteristics of the Brighton & Hove.

Whilst Woodland Drive is characterised by detached dwellings in generous plots, there are a variety of plot sizes in the surrounding area. Smaller plots are visible to both Woodland Close and to the south of the site on Chartfield. It is not considered out of keeping with the prevailing pattern of development in the vicinity. Whilst it is acknowledged that the area of garden spaced proposed is relatively small, this is considered to provide sufficient useable private amenity space and on balance is acceptable. In addition the subdivision of 14 Woodland Drive retains an area of useable private amenity space to the south of the existing dwelling which is commensurate to a family dwelling.

The site coverage proposed to the new development site is approximately 29%. This level of coverage is comparable to properties on Woodland Close. As such the size and nature of the dwelling proposed is not considered out of character with the surrounding area.

Woodland Drive is suburban in character and is characterised by detached dwellings, set back from the public highway. It is noted that properties to Woodland Drive are positioned along a curved building line. Amendments have been made during the lifetime of the application to reposition the proposed dwelling 1m further towards the west and incorporate a reduction in depth of the gable to the front elevation in order to better respect this. The proposed dwelling features a set-back of 4m from the public highway and incorporates an area of useable garden forward of the front elevation. Given this set back, it is not considered that the new dwelling results in a harmful breach of the existing building line of Woodland Drive and does not cause significant harm to the visual amenities of the Brighton & Hove.

## 8.3 **Impact on Amenity:**

Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposed dwelling extends to the same building line as those properties on Goldstone Crescent towards the North. It is not therefore considered that any loss of light and outlook would occur to the rear elevation and garden areas of these properties. The new dwelling is appropriately set away from the boundary to No. 125 Goldstone Crescent and is further separated by an existing public footpath so not to result in an overbearing impact.

In addition the new dwelling is positioned approximately 11m to the south of No. 14 Woodland Drive. Given that the separation distance is more than those of other properties in the vicinity it is not considered that the new dwelling would result in overbearing impact or loss of light to this property. The proposed dwelling is positioned sufficiently away from all boundaries so not to cause harm to the amenities of neighbouring properties by way of overbearing impact, sense of enclosure and loss of light.

There is inevitably a degree of mutual overlooking from window openings at upper floor levels in this suburban area. As such the windows to the southern and eastern elevations are not considered to provide unacceptable views of neighbouring properties given their outlook onto the Brighton & Hove and the separation distance to opposite properties on Woodland Drive and Goldstone Crescent.

To the northern elevation, a window is proposed at ground floor level in addition to outward opening French doors and a first floor window. The fenestration at ground floor level will largely be obscured from No.14 by the boundary treatment proposed. In addition the separation distance to the neighbouring property means it's unlikely that harmful views would be had of this neighbouring property. A window is also proposed at first floor level, serving a bathroom. The window is to be obscurely glazed and therefore would not result in harmful levels of overlooking or loss of privacy to this neighbouring property.

To the western elevation a two storey bay window is proposed serving the ground floor family room and a single bedroom above. Given the separation distance and existing boundary treatment between the dwelling and No. 125 Goldstone Crescent it is not considered that these windows will provide obtrusive views of this neighbouring property. Furthermore mutual overlooking exists to the rear gardens of properties along Goldstone Crescent and the windows to the side elevation of No.125 do not serve habitable rooms. As such it is not considered that the views obtained from the western elevation will result in a harmful loss of privacy to the neighbouring occupiers.

A further window is proposed to the landing area of the property, given the use of this area, it is not considered that harmful views would be had from this window to the neighbouring property.

#### **8.4 Standard of accommodation**

Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposed garden for the dwelling is considered acceptable in meeting the requirements for a family dwellinghouse.

The layout and location of all habitable rooms are considered acceptable and would provide a good standard of accommodation, with good levels of natural light, outlook and ventilation.

#### **8.5 Sustainable Transport**

The proposed dwelling would not significantly increase trip generation above existing levels. The applicant is proposing 3 cycle parking spaces; however there is a lack of detail regarding their location. As such a suitably worded condition is recommended to secure this.

The application proposes a new vehicular access and 1 car parking space. The Highway Authority consider these associated works acceptable and is considered to create an insignificant road safety risk.

It is likely that the additional dwelling will result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, improvements to the highway are requested by way of a condition and Highway Works Informative in accordance with policies TR1, TR8 and QD28 of the Brighton & Hove Local Plan. This contribution seeks to install a pair of dropped kerbs with paving and tactile paving if appropriate at the junction of and across Bennett Avenue with Woodland Drive. This is to improve access to and from the site to various land uses in the vicinity of the site.

#### **8.6 Sustainability:**

Policy CP8 of the Brighton & Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

### **9 CONCLUSION**

- 9.1 The proposed development will not be detrimental to the visual amenities of the wider street scene, or to the amenities of adjacent or future occupiers in accordance with development plan policies. Furthermore suitably worded conditions are attached to secure transport and sustainability details.

### **10 EQUALITIES**

- 10.1 None identified.

### **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

- 1) 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.

PLANNING COMMITTEE LIST – 13 July 2016

- 2) 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
Site and block plans	01	A	21.06.2016
Existing site survey	02	-	20.04.2016
Existing Brighton & Hoves	03	-	20.04.2016
Existing site sections	04	-	20.04.2016
Existing elevation	05	-	20.04.2016
Existing section B-B	06	-	20.04.2016
Proposed site plan	10	A	21.06.2016
Proposed street elevations	11	A	21.06.2016
Proposed floor plans	12	A	21.06.2016
South elevation	13	A	21.06.2016
North elevation	14	A	21.06.2016
West elevation	15	A	21.06.2016
East elevation	16	A	21.06.2016

3. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and B 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 QD14 and QD27 of the Brighton & Hove Local Plan.

4. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

5. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

6. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be

## PLANNING COMMITTEE LIST – 13 July 2016

carried out in full as approved 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 policy QD27 of the Brighton & Hove Local Plan.

7. The residential unit hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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 City Plan Part One.

9. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall have been installed at the junction of and across Bennett Avenue with Woodland Drive.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

10. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of any proposed trees, including number and species and planting method of any trees
- d. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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.

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

11. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct



run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

12. 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 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 of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy of the City Plan Part One.

13. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 policy QD27 of the Brighton & Hove Local Plan and CP12 of the 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 decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

## PLANNING COMMITTEE LIST – 13 July 2016

The proposed development will not be detrimental to the visual amenities of the wider street scene, or to the amenities of adjacent or future occupiers in accordance with development plan policies.

3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
4. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 9.

19<sup>th</sup> May 2016

Dear Sir/ Madam

Re: BH2016/01392. 14 Woodland Drive

As a councillor for Hove Park Ward I am writing to object to the above application. I believe this to be an overdevelopment of the site. The vehicular access would be situated close to a very busy dangerous junction.

There are also concerns about the detrimental effect this building would have on the residents of 125 Goldstone Crescent. It would be situated directly in front of the southern elevation of 125 Goldstone Crescent.

If this application is recommended to be passed I would request that it goes before the Planning Committee for decision.

Yours sincerely  
Vanessa Brown

Cllr Vanessa Brown

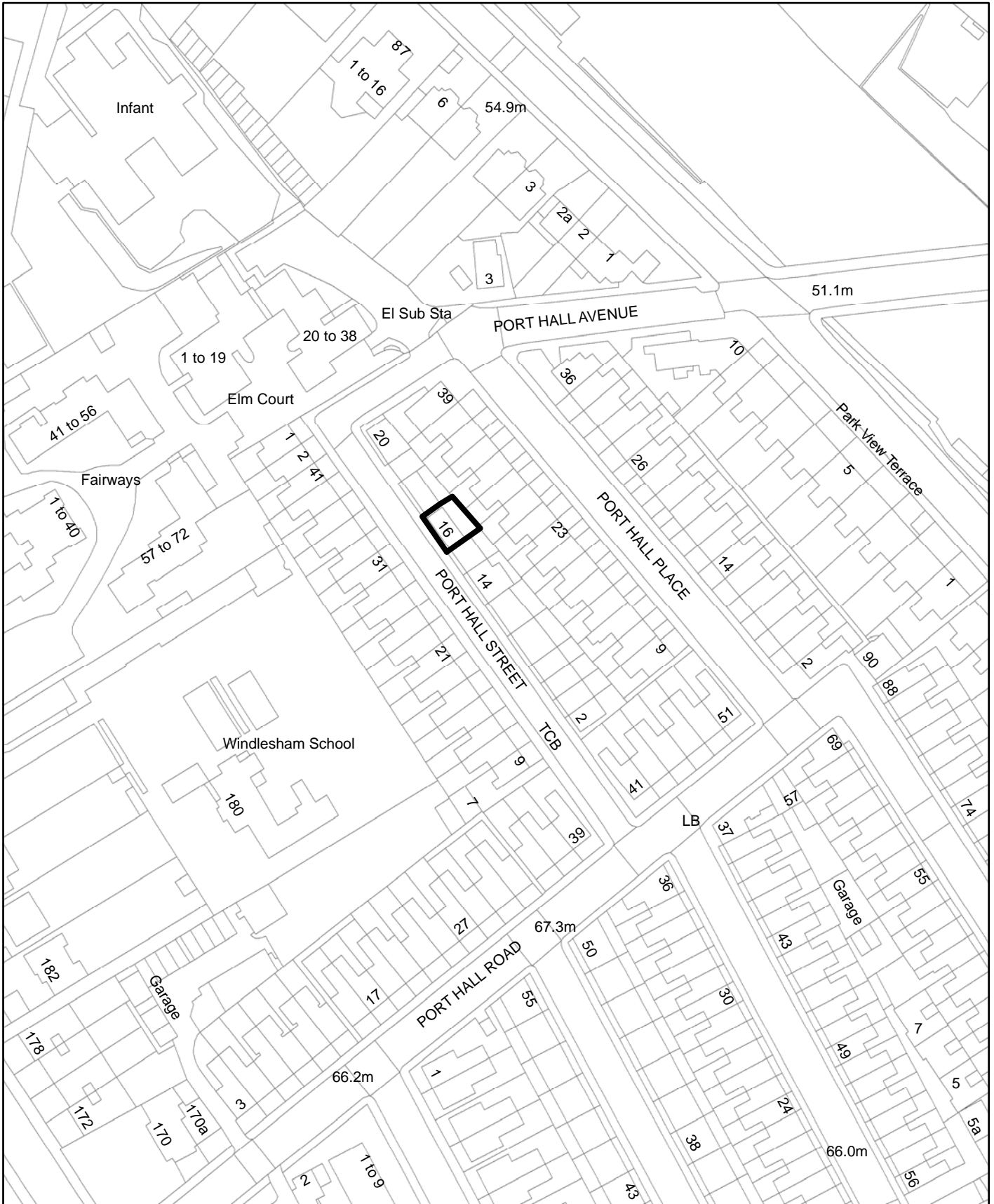


# **ITEM I**

**16 Port Hall Street, Brighton  
BH2016 / 01558  
Household Planning Consent**

**13 July 2016**

# BH2016/01588 16 Port Hall Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2016/01558</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>16 Port Hall Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey rear extension with associated alterations.</b>		
<b><u>Officer:</u></b>	Justine Latemore Tel 292138	<b><u>Valid Date:</u></b>	04/05/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29 June 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Grange Designs, 126 Hollingdean Terrace Brighton BN1 7HE		
<b><u>Applicant:</u></b>	Ms Maggie Peake, 16 Port Hall Street Brighton BN1 5PJ		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a symmetrically double fronted dwelling house on the northern side of Port Hall Street, nearing the corner junction to Port Hall Avenue. The street has a combination of rendered uniform three storey terraces, brick two storey terraces and double fronted properties; all with bay window fenestration with sash windows.

The host property has no alterations visible from the public street scene, there is a small lean-to structure and a detached outbuilding alongside the east boundary. The rear garden is positioned on the ground floor level and paved/decked in entirety, only accessible via a footbridge, providing more outdoor amenity space on the lower ground floor, visible through two voids either side of the footbridge.

## 3 RELEVANT HISTORY

- 3.1 **BH2016/01687** - Certificate of Lawfulness for proposed loft conversion with front roof lights and rear dormer, single storey rear extension and installation of French doors at first floor front elevation. Under Consideration.
- 3.2 **BH2016/00812** - Erection of part one, part two storey rear extension. Withdrawn 29/04/2016.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two storey rear extension with associated alterations. The extension will involve the enclosure of the voids within the rear garden to create a platform on the ground level for the construction of the centrally aligned extension. The extension measures 2m in depth from the rear wall, 2.7m in width and will have a mono pitched roof sited just below the eaves of the host property.

The palette of materials includes painted render walls; timber framed windows, concrete roof tiles and a velux roof light. The first floor window will be obscure glazed and fixed shut as it services a bathroom.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

##### **5.1 Neighbours:**

**Seven (7)** letters of representation have been received from **18 Port Hall Street, 27 Port Hall Place, 29 Port Hall Place (x3), 31 Port Hall Place (x2)** objecting to the application for the following reasons:

- Due to the slope of the hill the proposed extension would overshadow and create loss of privacy to the rear neighbours
- The extension will overshadow the sunlight into the rear garden, patio, kitchen and rear lounge of the rear adjoining property
- In conjunction with the Lawful Development Certificate the extension will be an overdevelopment of the site
- The proposed window to the rear elevation will impact the privacy to the rear properties in Port Hall Place
- The extension is unsuitable in appearance and an overdevelopment of the host property, as well as setting a precedent for the wider area
- The extension would change the original form of the building
- The enclosure of the voids would lead to poorly ventilated space with no natural light servicing the lower ground floor rooms
- The height of the extension will result in loss of outlook

#### **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);



- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development  
CP10 Biodiversity

#### Brighton & Hove Local Plan (retained policies March 2016):

- QD14 Extensions and alterations  
QD15 Landscape design  
QD27 Protection of amenity

#### Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to the current application for a certificate of lawfulness are not material planning considerations to the determination of this application. The main considerations in the determination of this application relate to the design and appearance of the proposed two storey development and the impact of the extension on the residential amenity of neighbouring properties.

### **8.2 Design:**

The proposal will enclose the open void and remove the associated footbridge to provide a platform for the small scale two storey additions, intended to facilitate a utility room and bathroom. The existing lean –to and garden shed will be removed to create more outdoor amenity space around the proposed structure, and accessed by new bi-folding doors at ground floor level from the kitchen/diner.

The measurements of the structure exhibit a small scale development that is centrally aligned within the rear elevation of the host property and set well back from the boundary walls and public realm. In regards to best practice extension guidance within Supplementary Planning Document 12 (SPD12), the proposed works meet all the requirements of roof form and pitch to match the host property, materials to match the existing appearance, and set back from

boundary walls. The extension would appear as a subservient addition to the dwelling and is considered appropriate.

The windows proposed are necessary for natural light intake with the second floor window confirmed by the agent to be obscurely glazed as it serves a bathroom; this is also secured by condition 4. All fenestration is aligned centrally and match appropriately with the existing architectural features of the building.

The enclosure of the lower ground floor will facilitate appropriate use of the ground floor amenity space for the occupiers. The lower ground floor rear window and door will experience some loss of natural light however this is not considered sufficient to justify refusal of the application.

### 8.3 **Impact on Amenity:**

Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The concern expressed by surrounding neighbouring occupiers at no.18 Port Hall Street, 27, 29 & 31 Port Hall Place have been strongly considered in the assessment of the planning application. It is noted that from a site visit the application site is highly overlooked from rear dormers of some of these neighbours and at present there are no high level windows or structures on the host property including the lack of first floor windows altogether.

The structure is sited a minimum 3.3m from each side boundary and 5m from the closest adjacent rear elevation. The extension is not overbearing by reason of its small measurements and central alignment within the application site – as far away as possible to neighbouring shared boundaries in a highly constrained rear garden.

The 45' degree rule has been performed on the proposed rear elevation plans to measure the level of likely overshadowing to side adjacent properties no. 14 and 18 Port Hall Street. The test proved that any overshadowing will be kept entirely within the curtilage of the application site. No additional overshadowing is likely to occur to rear adjacent properties nos. 27, 29 and 31 Port Hall Place, as the extension is contained within the height and width of the existing rear elevation.

In regards to the privacy of the occupiers of the surrounding properties, there are no side facing windows proposed and therefore nos. 14 and 18 will not experience any overlooking. The roof light proposed is for natural light intake and above eye level, the first floor window is entirely obscure glazed and fixed shut, therefore there is no ability for outlook but rather to light the bathroom. The window on ground floor level is below the height of the surrounding boundary walls so no rear adjoining properties will experience adverse effects to amenity.

**8.4 Other Considerations:**

A lawful development certificate for the application site is currently under consideration with the local planning authority. The certificate highlights intentions for a rear box dormer, front roof lights, a single storey ground floor rear extension and associate vent/soil pipe work. It is noted that this will increase the amount of development to the rear elevation and that the dormer is particularly a concern for surrounding neighbours. These elements will be appropriately considered under Schedule 2, Part 1, Classes A, B, C & G of the General Permitted Development Order (GPDO) 2015, as the application site retains dwelling house status. Policies such as SPD12 and QD27 do not apply in the assessment of permitted development.

**9 CONCLUSION**

9.1 The proposed rear extension to facilitate a utility room and bathroom for the existing principle rooms of the host property have been designed in alignment with SPD12 guidance and sympathetically in regards to the surrounding occupiers in a north sloping, highly dense residential environment. The design supported by materials to match the host property is an improvement to the existing structure on site, and will not give rise to adverse impacts on neighbouring amenity.

**10 EQUALITIES**

10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

- 1) 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.
- 2) 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>
BLOCK PLAN & SITE LOCATION PLAN	P162-001	A	04 May 2016
LOWER GROUND & 1ST FLOOR PLANS & FRONT ELEVATIONS	P162-002	A	04 May 2016
GROUND FLOOR PLAN & ELEVATION & SECTION A1-A1	P162-003	-	04 May 2016
PROPOSED LOWER GROUND FLOOR PLAN	P162-104	-	04 May 2016
PROPOSED GROUND FLOOR PLAN	P162-105	-	04 May 2016
PROPOSED 1ST FLOOR PLAN	P162-106	-	04 May 2016
PROPOSED ELEVATION & SECTIONS A2-A2 & B-B	P162-107	-	04 May 2016

## PLANNING COMMITTEE LIST – 13 JULY 2016

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) The first floor window in the rear elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 QD14 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

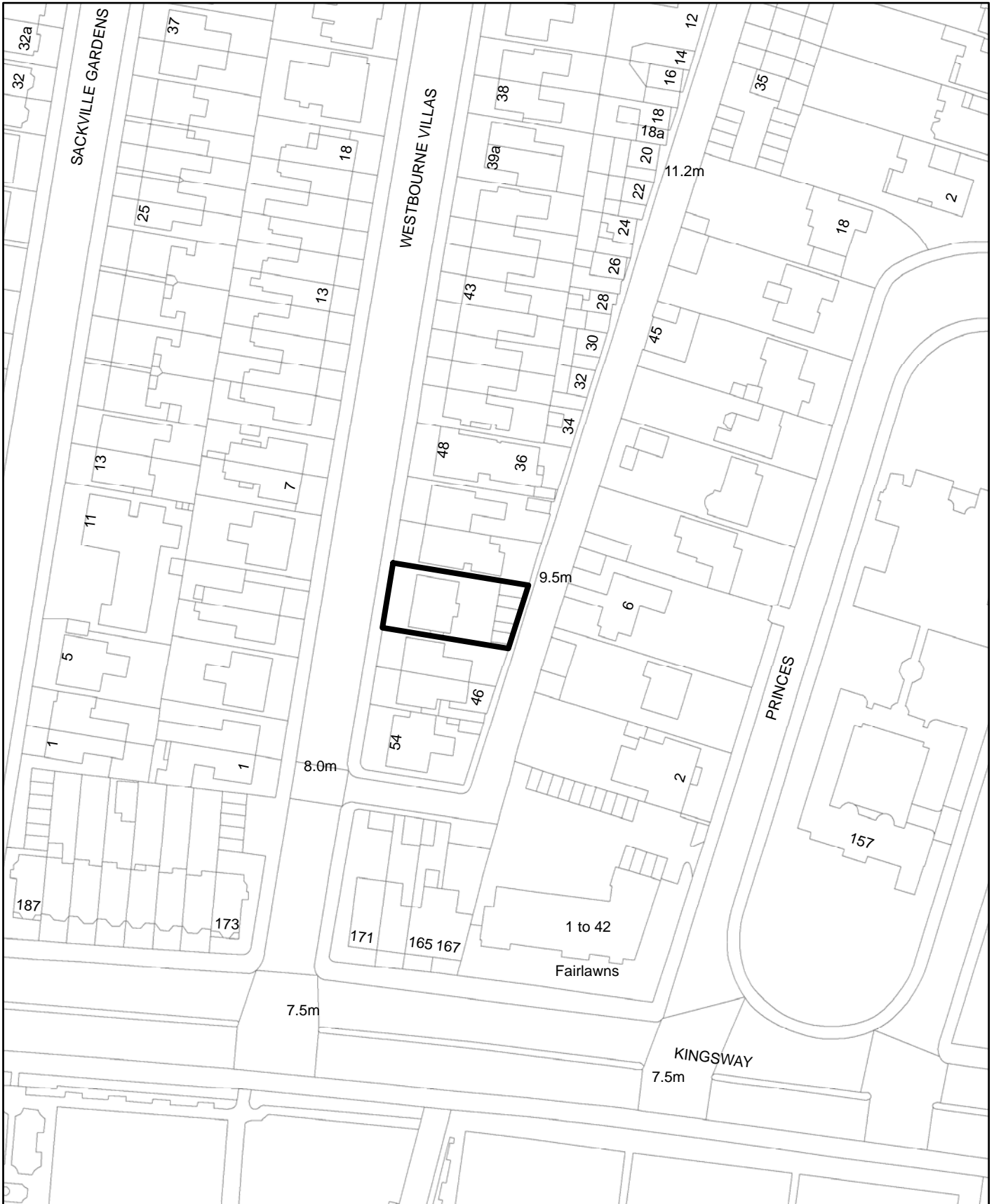
1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The development is of an acceptable design, and would not be detrimental to the host property or Port Hall Street scene. There would be no significant impact on residential amenity of neighbouring occupiers.

# **ITEM J**

**51 Westbourne Villas, Hove  
BH2016 / 00015  
Householder Planning Consent**

**13 July 2016**

# BH2016/00015 51 Westbourne Villas, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2016/00015</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>51 Westbourne Villas Hove</b>		
<b><u>Proposal:</u></b>	<b>Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.</b>		
<b><u>Officer:</u></b>	Joanne Doyle Tel 292198	<b><u>Valid Date:</u></b>	13/01/2016
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	09 March 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Chalk Architecture Ltd, Wilbury Stratton 3rd Floor Nile House Nile Street Brighton BN1 4HW		
<b><u>Applicant:</u></b>	Mr John Fairall, 51 Westbourne Villas Hove BN3 4GG		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two storey plus basement detached property, located on the east side of Westbourne Villas. The property backs directly onto Westbourne Place. The property has recently been converted back into a single dwelling following the part implementation of planning permission BH2010/04001. A row of garages that formerly fronted Westbourne Place have been demolished. A rear extension has been recently completed at basement level.

## 3 RELEVANT HISTORY

**BH2016/00037-** Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. **Under Consideration.**

**BH2015/03844-** Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. **Refused on 17/12/15.**

**BH2015/02110-** Erection of a single storey rear extension. Erection of a single storey detached annex with garage fronting Westbourne Place. **Approved on 20/10/15.**

**BH2011/01517-** Application for Approval of Details Reserved by Conditions 9, 10, 11 and 12 of application BH2010/04001. **Approved 02/08/2011.**

**BH2010/04001**- Conversion of flats and 5 no. garages to the rear into one 5 bedroom family home, rear annex and parking for 2 cars. **Approved 28/02/2011.**

**BH2010/03023**- Reconversion of 3no flats back into 1no 5 bedroom dwelling and conversion of garages to rear into 1no one bedroom dwelling. **Refused 24/11/2010.**

**BH2010/01059**- Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house. **Refused 03/09/2010.**

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Twenty Two (22)** letters of representation have been received from **Flat 1, 2 & 3 49 & 50 Westbourne Villas (solicitor) (x3) 75 Westbourne Street (x2) 16, 19, 20, 36 & 46 Westbourne Place 2 Willow Close 4 Princes Crescent 60 Glebe Crescent 41 Stanley Road** objecting to the proposal for the following reasons:

- The extension will result in loss of daylight/sunlight and loss of outlook toward windows which serve habitable rooms on the south side elevation of no. 50.
- The proposal will result in loss of amenity, an overbearing impact, sense of enclosure, increased overlooking, loss of privacy, oppressive effect, the blocking in of habitable rooms, negative effect on the health of occupants, increased need for heating and artificial lighting negating efforts to improve energy efficiency and sustainability.
- The design of the extension would be out of keeping with the street scene and conservation area.
- The extension would unbalance the proportions of the main house.
- The plans are inaccurate.
- The application is sketchy/lack of information.
- There were four apartments in no.51, not three.
- Whether BH2010/04001 has been lawfully implemented and is therefore extant.

Councillor Denise Cobb has objected to the scheme. A copy of the letter is attached.

##### **Internal:**

- 5.2 **Heritage: No Objection**

The rear elevation of the property can be seen from the road to the rear; however the entire conservatory would not be seen above the annex structure proposed to the rear.



## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 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 Local Plan (retained policies March 2016):

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Document:

SPD_09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extensions and alterations on the appearance of the property, the street scene and wider Sackville Gardens Conservation Area, and the amenities of adjacent occupiers.

Planning permission BH2010/04001 has been part-implemented by virtue of the works having been largely completed to convert the main building into a single dwelling. A recent application BH2015/02110 has been approved for a basement rear extension and an annexe to replace the rear garages. At the time of the site visit the rear basement extension was complete.

**8.2 Design and Appearance:**

The single storey rear extension at basement level approved under BH2015/02110 is the same depth as that approved under BH2010/04001, but does not extend to the full approved width. This application seeks permission to construct a conservatory at ground floor level on top of the extension at basement level. The proposed conservatory would have the same depth as the extension approved under BH2010/04001, but would not extend the full approved width and would differ in design.

The lightweight appearance of the conservatory featuring timber frames with large areas of glazing, coupled with its modest depth and width would allow for the main features of the recipient property to be read. The conservatory would represent a contemporary addition to the rear of the property, yet the design and finishing of the conservatory would respect rather than compete with the traditional character of the recipient property. A condition will be added to ensure that the conservatory is painted white to match the recipient property. The ground floor balcony with cast iron railings would complement the appearance of the property and is an acceptable addition to the rear. It is also noted that there is a varied assortment of rear additions and development to the rear of the properties which directly face Westbourne Place to the rear. In this setting it is considered that the proposed conservatory would not cause any substantive harm to the building, the prevailing character or appearance of the street scene or the Sackville Gardens Conservation Area.

**8.3 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan 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.

The rear conservatory is of the same depth as the extension previously approved, yet does not extend the full approved width and no appreciable harm is identified

Since planning permission BH2010/04001 was granted the adjacent property at 50 Westbourne Villas has been re-occupied as a single dwelling and includes principle rooms with south side windows facing towards the application site.

This property features an original two storey rear addition and a large single storey rear extension which extends considerably further to the rear than the application property. It is considered that given the modest depth of 2.4m and the distance of 3.5m between the two properties that it would not cause

overshadowing, loss of light or loss of outlook toward no. 50. The submitted plans indicate that the windows to the north side elevation will be obscure glazed and therefore no opportunity for loss of privacy would result; a condition will be added to ensure this. It is considered that the views attainable from the rear facing windows would be similar to the existing rear facing windows on the property and would not result in the opportunity for loss of privacy.

To the south, the relationship with no.52 is broadly as previous and as previously approved and no appreciable harm is identified. The location of the conservatory to the northern side of the rear elevation, with a 12m gap, would ensure that no. 52 to the south would not be impacted in terms of overshadowing, loss of light or loss of outlook. The views from the windows on the south side elevation could potentially overlook no. 52 to the south and therefore a condition will be added to obscure these windows.

The proposed balcony to the rear at ground floor level would create an external space to sit out upon. Whilst it is noted that views could be possible toward windows on the north side elevation of no. 52 to the south, these views would already be achievable from the rear garden space at a similar level and therefore it is not considered that these views would be different to existing.

#### 8.4 **Other Matters:**

Objectors have questioned whether BH2010/04001 has been lawfully implemented and is therefore extant. For the avoidance of doubt, even were BH2010/04001 to be considered unimplemented and therefore expired as a consent, the proposal is considered acceptable on its own merit having regard to its impact on the appearance of the site, conservation area and adjacent occupiers.

## 9 **CONCLUSION**

The proposed extension and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.

## 10 **EQUALITIES**

None identified.

## 11 **PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### Regulatory Conditions:

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

PLANNING COMMITTEE LIST – 13 July 2016

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	A.01		04 Jan 2016
Existing Floor Plans	A.02		04 Jan 2016
Existing East Elevation	A.03		04 Jan 2016
Existing South Elevation	A.04		04 Jan 2016
Existing North Elevation	A.05		04 Jan 2016
Proposed Floor Plans	D.70		04 Jan 2016
Proposed East Elevation	D.71		04 Jan 2016
Proposed South Elevation	D.72		04 Jan 2016
Proposed North Elevation	D.73		04 Jan 2016

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

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

4) Notwithstanding the details submitted with the application, no expansion joints, metal beads or stops, and no bell moulds shall be used in the external construction of the development hereby permitted.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of City Plan Part One.

5) The windows in the north and south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 QD14 and QD27 of the Brighton & Hove Local Plan.

6) The timber frame of the conservatory hereby approved shall be painted white and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP14 and HE6 of the Brighton & Hove Local Plan and CP15 of 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.

PLANNING COMMITTEE LIST – 13 July 2016

2. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed extension, and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.



**PLANNING COMMITTEE LIST  
13 July 2016**

**COUNCILLOR REPRESENTATION**

**Sent:** 09 February 2016 13:26  
**To:** Planning Applications  
**Cc:** Jan and Kel Tyler  
**Subject:** Planning Application No: BH2016/00015: 51 Westbourne Villas, Hove, BN3 4GG

Dear Planning Applications Team,

As one of the local ward councillors for Westbourne Ward, I write to request that Application number BH2016/00015, 51 Westbourne Villas, Hove, goes to the Planning Committee for determination: I also request that I be allowed to speak at this meeting.

The objection is in relation to the effect that this application would have on the neighbouring property, number 50 Westbourne Villas for the following reasons:-

QD1 – Design and QD14 – Extensions and alterations and QD27 - Protection of Amenity

I believe the size, scale, height and bulk of the development would have a detrimental effect on number 50, resulting in a loss of outlook and daylight/sunlight and privacy to the windows on the south side of number 50.

I would be grateful if you could acknowledge my request and let me have some idea of timescale for this application to be determined as soon as you are able.

Many thanks,

Regards

Denise

Councillor Denise Cobb

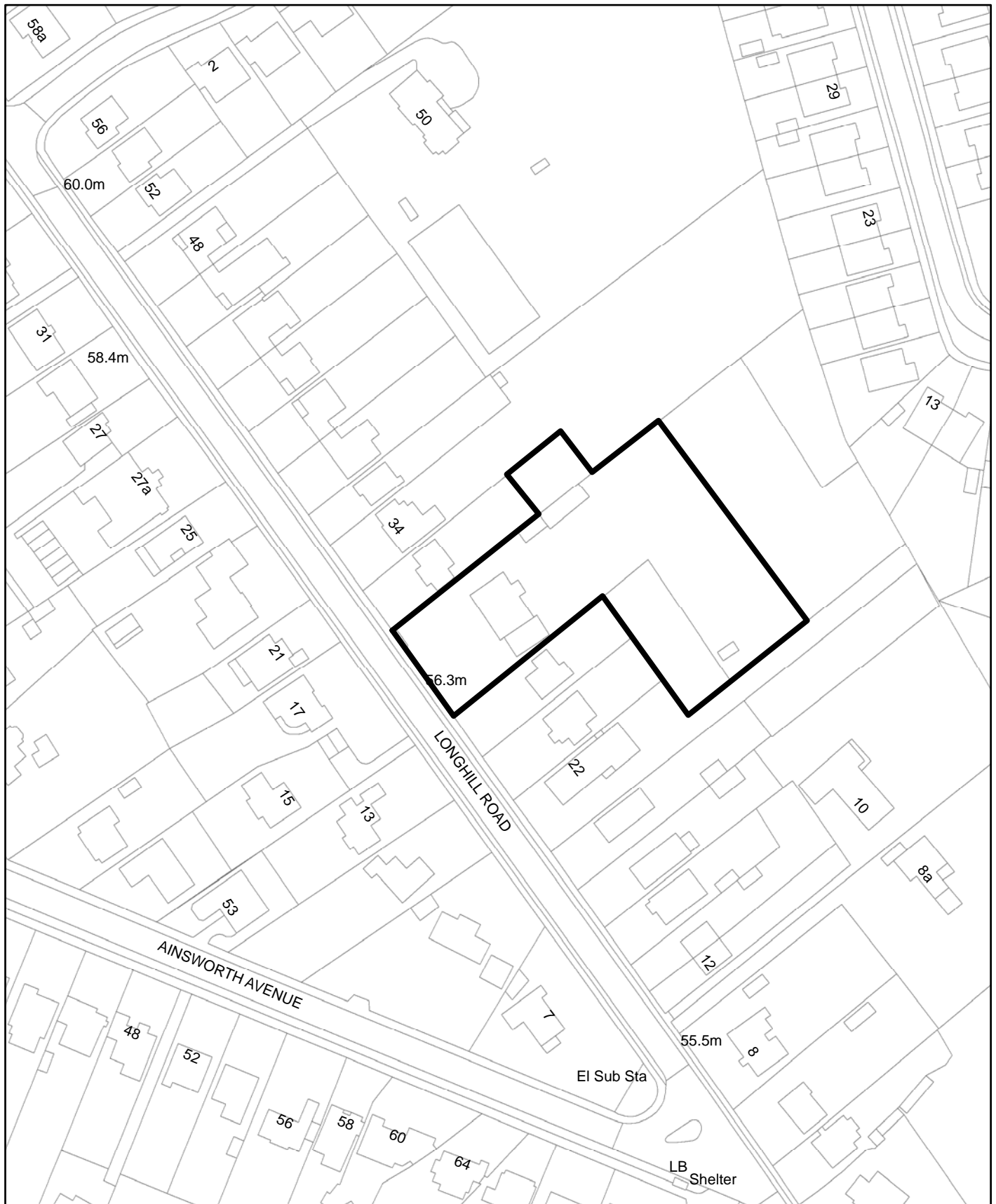
---

# **ITEM K**

**Land rear of 28-30 Longhill Road, Brighton  
BH2015 / 04378  
Full Planning**

**13 July 2016**

# BH2015/04378 Land Rear of 28-30 Longhill Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04378</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land rear of 28-30 Longhill Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	15/12/2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	9 February 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr David Hunter, C/O Lewis & 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 in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises the rear garden to a chalet bungalow located on the east side of Longhill Road. The garden extends beyond the common garden line to the street into a large 59m by 58m parcel of land rear of 22, 24 & 26 Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent. A backland garden site to 34 Longhill Road sits to the north, with a narrow wing to the garden to 22 Longhill Road to the south. Backland dwellings at 10 & 50 Longhill Road sit further to the south and north respectively. Longhill Road is formed of a variety of detached dwellings with large front and rear gardens.
- 2.2 The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines to the Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment and is a designated Nature Improvement Area.
- 2.3 No 30 Longhill Road forms a two storey chalet bungalow which has been divided into two flats. A side annex has also been converted to form self-contained accommodation (no.28). There is no planning history for these conversions, with Council Tax records indicating that the conversions took place in April 2008, in excess of 4 years ago.

### **3 RELEVANT HISTORY**

**BH2015/00483-** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused 29/05/2015 for the following reasons:

1. It has not been demonstrated that four dwellings can be satisfactorily accommodated on the site without necessitating a significant reduction to the woodland to the east part of the site, thereby resulting potentially significant loss of nature conservation features and exposing the site to longer views from the east. In the absence of information to demonstrate otherwise, the loss of the woodland would be contrary to policies QD16 & QD17 of the Brighton & Hove Local Plan and policy SA4 of the submission City Plan Part One. Further, an amended layout that places the four dwellings to the front part of the site only would represent an intensity of development uncharacteristic of the area and an overdevelopment of the site contrary to policies QD2, QD3 & HO3 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted to identify the biodiversity interest of the site, including the habitats of protected species, and address whether the biodiversity interest could be suitably mitigated to allow development to proceed, contrary to policies QD17 & QD18 of the Brighton & Hove Local Plan.
3. The proposed development, by virtue of the number of vehicle movements within the site directly adjacent to residential properties, would result in significant amenity harm by way of increased noise and light disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

### **4 THE APPLICATION**

- 4.1 The application seeks planning permission for two detached dwellings within the rear garden of 28-30 Longhill Road a three-bedroom house and a five bedroom house. The plans include the demolition of 28 Longhill Road to provide the access drive to the new dwellings.
- 4.2 The application has been amended to revise the form and orientation of House B on the northern part of the site to site in alignment with House A, and be of a similar appearance. The amendments also include revisions to the extent of driveways and parking areas proposed.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

#### **5.1 Neighbours:**

**Forty nine (49) letters of representation have been received from 34 (x2), 122, 140 Longhill Road; 2 (x2), 6 (x2), 7 (x2) Longhill Close; 15, 17 (x2), 21, 47, 55 (x2), 61 Elvin Crescent; 20, 33, 34, 43, 54 Rowan Way; 12a, 14, 19 The Vale; 17, 29 Eley Crescent; The Nook, Ovingdean Road; 7 (x2), 9 Wanderdown Close; 7, 8, 11 Wanderdown Way; 10, 25, 39, 48 Wanderdown Road; 8 Wanderdown Drive; Woodingcote House, Ovingdean Road; 11 Cranleigh Avenue; Ashdown House, Ovingdean Road; 27 Nevill Road; 22 Chailey Avenue; 16 Newlands Road; Basement flat 3 Montpelier Terrace; 6 Meadow**

**Vale, Ovingdean Road; and Unknown, objecting** to the application for the following reasons:

- The Urban Fringe Assessment recommended development on a different part of the site
- Loss of woodland and green space
- Loss of wildlife habitat, including bats, badgers and slowworms, flora and fauna
- Loss of wildlife corridors between Ovingdean and Rottingdean, and between the South Downs National Park and Beacon Hill Nature Reserve
- Landslip potential
- Overdevelopment
- Development not characteristic of the area
- The design is not in keeping with the existing houses on Longhill Road
- Houses double the size of any other in the area and incongruous
- Increased traffic
- Lack of infrastructure, e.g. school places, dentist, doctors
- Limited bus service to Ovingdean
- Degredation of Rottingdean and Ovingdean villages
- Loss of natural green separation and wildlife corridor between Ovingdean and Rottingdean villages and contribute to urban sprawl
- Merging of Rottingdean and Ovingdean
- Overlooking and loss of privacy
- Precedent for future development
- Noise and pollution from cars using the access drive
- Additional pollution to the Rottingdean Air Quality Management Area
- Noise and disturbance
- Light disturbance
- Increased flooding at the foot of the hill
- Construction noise and disturbance
- The properties will not be affordable
- Large houses do nothing for the needs of additional social/affordable housing in the city. Large houses unbalance the housing stock of the area
- Loss of property value

Following re-consultation following amendments:

5.2 **Twenty One (21) letters of representation have been received from 24 & 26 Longhill Road; 6 (x2) & 9 Longhill Close; 19 Rowan Way; 12 Eley Crescent; The Nook, Ovingdean Road; 7 & 8 Wanderdown Way; 6 & 48 Wanderdown Road; 22 Chailey Avenue; Pax, The Green; 90 Greenbank Avenue; 15 The Vale; 68 Ainsworth Avenue; 101 Oaklands Avenue; 39 Osborne Road; 13 Grange Farm Cottages, Greenways; Ovingdean Residents and Preservation Society, objecting** to the application for the following reasons:

- The changes are cosmetic
- Lack of compliance with policy
- Loss of green space
- The woodland has now been given TPO status
- Loss of wildlife habitat, flora and fauna
- Loss of wildlife corridors between Ovingdean and Rottingdean, and between the South Downs National Park and Beacon Hill Nature Reserve
- No badger report has been submitted

- Light and activity harmful to wildlife
- Development not characteristic of the area
- Materials out of keeping
- Increased traffic
- loss of privacy
- Precedent for future piecemeal development
- Noise and pollution from cars using the access drive
- Noise and disturbance
- Increased flooding at the foot of the hill from removal of large quantities of soil
- Construction noise and disturbance
- Impact on infrastructure and services
- The houses will not be affordable and will not contribute towards the city's housing needs

**Internal:**

5.3 **Ecology: No objection**

Designated sites and Protected Species

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation. Given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest. The site currently comprises buildings, hardstanding, a vegetated wall, neutral and poor semi-improved grassland, introduced shrub, dense scrub, broadleaved semi-natural woodland and scattered trees. The woodland on site is classified as a Priority Habitat and a Habitat of Principal Importance under the Natural Environment & Rural Communities Act.

- 5.4 It is noted that no trees are to be lost as part of the development. If the proposals change such that trees are to be lost, further surveys may be required as several trees on site had moderate bat roost potential. Compensatory planting will also be required. It is noted that some of the semi-improved grassland will be lost. This should be mitigated through the provision of a green roof; the roof should be biodiverse as described in paragraph 5.20 of the Preliminary Ecological Appraisal report, and not sedum.

Bats

- 5.5 Whilst the main property on site has moderate bat roost potential, the self-contained extension to be demolished has negligible bat roost potential, and as such no further surveys for bats are required.

Breeding birds

- 5.6 Breeding birds have been confirmed on site. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an

appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

- 5.7 Compensation should be provided for the loss of nesting habitat in the form of bird boxes on retained trees and/or the new buildings plus a sensitive landscape scheme using native species of known value to wildlife, including climbers.

#### Badgers

- 5.8 There is evidence that badgers are using the woodland on site for foraging and/commuting, although there was no evidence of setts or that badgers were using the remainder of the site. Badgers may use the site for foraging and commuting. Badgers are protected under the Protection of Badgers Act 1992.
- 5.9 It is recommended that a pre-construction survey is carried out to determine current use of the site by badgers and to identify whether any setts have been created on site. In addition, measures should be taken to avoid badgers from being trapped in open excavations and/or pipe and culverts.

#### Reptiles

- 5.10 The site has some potential to support reptiles, although most of the habitats within the area proposed for development are considered to be sub-optimal. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. A precautionary approach is recommended as described in paragraph 5.11 of the Preliminary Ecological Appraisal report: grassland habitats should be kept short through strimming or mowing, and any potential refuges should be carefully dismantled by hand during the reptiles' active period (generally taken as April to October) under the supervision of a suitably qualified and experienced ecologist.

#### Other species

- 5.11 The site is unlikely to support any other protected species. If protected species are encountered during demolition/construction, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

#### Mitigation Measures/Enhancement Opportunities

- 5.12 In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the use of species of known value to wildlife within the landscaping scheme, the provision of a biodiverse roof and green walls, the provision of bird boxes and/or bricks, log piles and wildlife friendly fencing to ensure permeability for wildlife through the site.
- 5.13 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

- 5.14 **Planning Policy:** No objection

The application site lies partially within the curtilage of an existing dwelling and partially outside of the built up area boundary. The site falls within part of urban fringe site 43 (land to the rear of Longhill Road) identified within the 2014 Urban Fringe Assessment (UFA).

- 5.15 The findings of the UFA indicate that Site 43 (identified in the study as Land to the rear of Longhill Road, Site 43) has some potential for housing through partial development of the site. The assessment concludes there is potential for low density residential development (approx. 6 dwellings) on the northern tip of the site extending from Wanderdown Close southwards. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 5.16 In terms of heritage the study recognises that any development of site 43 would need to be sensitively designed and positioned so that it does not detract from important views out from the eastern ridge of the Ovingdean Conservation Area and listed buildings and recommends trees are retained to minimise negative effects on the setting of the conservation area.
- 5.17 In terms of landscape the study notes that there would be a lower level of adverse impact associated with the continuation of Wanderdown Close as long as trees higher up the slope were preserved to retain a wooded backdrop.
- 5.18 In terms of flooding, the study does identify a 25% risk of groundwater flooding to the site but states that this could be managed through sustainable urban drainage systems.
- 5.19 In terms of ecology the UFA recognises that this site is part of a Nature Improvement Area. However the UFA identifies that the site is not subject to any ecological designations and that any development on the site would incorporate an element of provision for biodiversity assets.
- 5.20 Although the planning application does not fall within the part of site 43 identified for housing within the 2014 Urban Fringe Assessment, it is considered that, in policy terms, the benefits of the housing proposed are likely to outweigh any potential adverse heritage, flooding or landscape impacts provided these are not significant and can be adequately mitigated. Subject to this, the proposal is considered to meet the requirements of the NPPF and City Plan Part One Policy SA4.
- 5.21 **Arboriculture: No objection**  
Whilst there is potential for some conflict with trees the scheme appears to be thought out and the dwellings well positioned. Provided suitably worded conditions are attached to provide protection for the trees during construction the Arboricultural Team have no objection to the application and would recommend approval.
- 5.22 **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.

- 5.23 The applicant is proposing a new vehicle access and whilst this is acceptable in principle the details may require amending (for example, speed table across access road at junction with Longhill Road, normal height shared foot/cycleway (even if it is only 1.2m wide) alongside any carriageway narrowing, at least 450mm between the carriageway and any fencing). Therefore the Street Design condition and informative should be attached to any permission granted alongside a Surface Water Drainage Details condition (as there appears to be about a 2m drop in level along the access road between the back garden of the site and the public highway and it is not clear how the applicant is dealing with his surface water). A Highway Works informative advising that the applicant needs a Highway Authority licence before commencing any works on the adopted (public) highway should also be attached to any permission granted.
- 5.24 The proposed level of car parking (4 spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 5.25 It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) are requested at the junction of (and across) Ainsworth Avenue with Longhill Road via the island to create or improve access to facilities and amenities within the vicinity of the site.
- 5.26 **Environmental Health:** No comment received

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
CP1	Housing
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Managing flood risk
CP12	Urban design
CP14	Housing density
CP16	Open space
CP19	Housing mix
SA4	Urban Fringe

#### Brighton & Hove Local Plan (retained saved policies March 2016):

TR7	Safe development
TR14	Cycle access and parking
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
--------	-------------------

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of demolition of no.28 and the construction of 2 dwelling houses on the site, the design and appearance of the dwellings, their impact on neighbouring amenity, the standard of accommodation to be provided, impact on ecology and trees, sustainability matters, and whether the access and parking arrangements are acceptable.



- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Principle of development**  
The main part of the site falls within the Urban Fringe, being sandwiched between the defined built up area to the east and west, and by the National Park approximately 150m to the south. The proposed access drive from Longhill Road falls within the defined built up area, with the two dwellings straddling the boundary between the built up area and the urban fringe. The Urban Fringe Assessment 2014 (UFA) supports City Plan policy SA4 and provides a detailed assessment of the development potential for the city's urban fringe.
- 8.4 Policy SA4 of the City Plan states that development within the Urban Fringe will not be permitted except where:
- A site has been allocated for development in a development plan document; or
  - A countryside location can be justified;
  - The proposal has regard to the downland landscape setting of the city;
  - All adverse impacts of development are minimised and appropriately compensated for; and
  - Where appropriate, the proposal helps to achieve the policy objectives set out.
- 8.5 The application site falls within Site 43 of the UFA. Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built up area boundaries to the east and west, and the National Park to the south. The UFA identifies Site 43 as being privately owned and heavily wooded with significant access and ownership constraints. As a consequence, the UFA identifies that a parcel of land in the northeast corner of the Site accessed directly off Wanderdown Close is best suited for low density housing development.
- 8.6 The application site falls outside the part of the Site specifically identified as having potential for housing, however this does not in itself necessarily preclude development on the remaining site provided its constraints/impacts can be suitably overcome or mitigated. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 8.7 In terms of heritage, the study recognises that any development of Site 43 would need to be sensitively designed and positioned so that it does not detract from important views out from the eastern ridge of the Ovingdean Conservation Area and listed buildings, and recommends trees are retained to minimise negative effects on the setting of the conservation area. In this case the application site is

located 300m from the Ovingdean Conservation Area and its development would not have any appreciable impact on its setting given the volume of housing and vegetation that sits between. The site is also a similar distance from the designated Archaeological Notification Area adjacent to the Conservation Area.

- 8.8 In terms of landscape the study notes that there would be a lower level of adverse impact associated with the continuation of Wanderdown Close as long as trees higher up the slope were preserved to retain a wooded backdrop. This general principal extends to the southern part of the Site, where the existing dense woodland on the east slope softens views from the east. Subject to an appropriate landscaping scheme that retains and protects as many of the more significant specimens, the landscape impacts of residential development on the application site and surrounding area could be suitably mitigated. Existing vegetation and backland development south of the site shields views of the application site from the National Park to the south.
- 8.9 In terms of flooding, the study identifies a 25% risk of groundwater flooding to the Site but states that this could be managed through sustainable urban drainage systems.
- 8.10 In terms of ecology the UFA recognises that this site is part of a Nature Improvement Area. However the UFA identifies that the site is not subject to any ecological designations and that any development on the site would need to incorporate an element of provision for biodiversity assets. Again, such matters could be suitably addressed via a landscape scheme and ecology strategy that provides for a net gain in biodiversity.
- 8.11 In terms of open space the site is privately owned and largely inaccessible to the public. The study notes that new residential development could potentially create new publically accessible open space, however in this instance the small backland nature of the application site is such that the provision of publicly accessible open space is not feasible. Further, it is noted that the Brighton & Hove Open Space Study Update (2011) identifies an oversupply of natural and semi-natural open space in the Rottingdean ward.
- 8.12 On the basis of the above, and given the presence of other small backland developments within Site 43, it is considered that a low density development of the application site is unlikely to give rise to adverse impacts regarding heritage, landscape or flood risk. As such, some residential development of this part of the urban fringe would not detrimentally impact on the wider downland landscape setting of the city or the setting of the South Downs National Park, and would allow for suitable ecological mitigation to be secured.
- 8.13 For these reasons the proposed residential development of this part of the urban fringe with two dwellings is considered acceptable in principle in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.
- 8.14 **Design and appearance:**

The proposed two dwellings, as amended, are considered to form a suitable addition to the site. The revised plans show the dwellings to be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east. The dwellings would be set on the flatter area of land immediately rear of 22-32 Longhill Road, set appropriately 9.5m from the rear boundaries of these properties. Consequently the dwellings sit comfortably within the plot in keeping with the spacious setting of the other principal and backland dwellings that characterise the area. The single storey height relates appropriately to the principal two storey dwellings that front Longhill Road, thereby appearing suitably subservient and less visually dominant.

- 8.15 In terms of form and materials, both dwellings have a contemporary finish with a triple split mono-pitch roof form sloping with the gradient of the land. The plans detail a flint finish to the ground floor elevations visible from the properties on Longhill Road, with white brickwork, powder coated windows, and green (sedum) roofs. The design of the buildings reads as a complementary pair, with the green roofs and use of flintwork helping them to settle into their backland garden setting. Given the mix of dwelling forms and finishes along Longhill Road, the contemporary finish to the proposed dwellings would not be out of keeping or unduly jarring. The plans detail that the existing woodland at the rear of the site is to be retained in its entirety, thereby ensuring the two dwellings are suitably disguised in longer views.
- 8.16 For these reasons the number, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12 & SA4 of the Brighton & Hove City Plan Part One.
- 8.17 The loss of the converted annex at 28 Longhill Road to form the accessway is considered acceptable in principle as it forms an inappropriately scaled and generally unsympathetic addition to the original building.
- 8.18 **Trees and Landscaping:**  
The site as existing contains a number of small fruit trees and hedges throughout, with the rear part of the site forming more dense and mature woodland set on steeply sloping land. This woodland is now covered by a Tree Preservation Order. Further trees are set to the front of the site fronting Longhill Road, and adjacent to the proposed access drive.
- 8.19 An Arboricultural Report has been submitted which assesses the potential impact on the existing trees in and around the site. A number of the smaller fruit trees and hedges central to the site would be removed to facilitate the development, with all other trees to be retained, including all trees within the woodland to the rear. The Council's Arboriculturalist has agreed with the conclusions of the report subject to conditions to ensure construction works are managed so as to not impact on the woodland to the rear and other trees to be retained. Suitable conditions are recommended accordingly.
- 8.20 In terms of landscaping, the plans detail a number of alterations to the gradients around the new dwellings. These involve raising and lowering sections of land by

up to approximately 0.4m in the main, and 1.5m in isolated places to accommodate access paths beside each dwelling. A condition is recommended to secure final OS Datum levels for the development to ensure the changes are in accordance with the submitted plans and the resultant relationship with the adjacent properties remains acceptable.

8.21 The plans detail new 1.8m boundary fencing around the site along with 2m acoustic fencing beside nos 26 & 30 Longhill Road and 1m acoustic fencing alongside the front part of the access drive. Additional planting is also shown alongside the access drive and around the site perimeter. The extent of hardstanding has been reduced to ensure the site is suitably dominated by soft rather than hard landscaping. A condition is recommended to secure the submission of full details of all hard and soft landscaping, to be implemented prior to first occupation.

**8.22 Ecology:**

In terms of ecology, the site forms previously undeveloped garden land with steeply sloping woodland to the rear half and other gardens and woodland adjacent. It is set within a Nature Improvement Area. The biodiversity checklist submitted with the application has been completed as negative for all indicators bar indicator 11 (Mature trees overhanging the site), whilst residents have identified badgers, bats and slowworms amongst others as being present either on the site or in the wider area.

8.23 A Preliminary Ecological Appraisal has been submitted to identify and mitigate the potential impact of the development. No bats have been identified as being present and the County Ecologist is not recommending any further surveys. Breeding birds have been confirmed and will require suitable mitigation if works are carried out during the breeding season. There is evidence badgers use the woodland to the rear for foraging and/or commuting however there is no evidence of setts or that badgers use the remainder of the site. The County Ecologist recommends a pre-construction survey be carried out to determine the current use of the site by badgers. The site is considered sub-optimal for reptiles and a precautionary approach to works is recommended. Conditions and informatives are attached to secure these outcomes and appropriate biodiversity gains on the site, in accordance with policies CP10 of the City Plan Part One and QD18 of the Brighton & Hove Local Plan.

**8.24 Flooding**

Representations have been received raising concern over potential flooding impact. The site is at the top of a hill and therefore not in a designated flood zone. The degree of hardstanding is limited to the driveway and parking areas only and conditions are recommended to ensure surface water run-off is suitably managed within the confines of the site. There is no evidence that the hardsurfacing or development as a whole would result in run-off down the woodland to the properties to the rear.

**8.25 Standard of accommodation**

The proposed dwellings are both of a good size with good access to natural light and outlook. Suitable private amenity space is detailed to all sides of each

dwelling, albeit that some of this space is constrained by the retained woodland and boundary vegetation. The overall standard of accommodation is though considered appropriate in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8.26 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to both dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

**8.27 Impact on Amenity:**

House A to the southern part of the site would be stepped into the sloping land such that it would be approximately a storey and a half above ground level to nos 22, 24 & 26 Longhill Road. Given the separation between the dwellings of approximately 26m and the retention of the existing boundary screening, no significant loss of light, outlook or privacy would result.

8.28 House B to the northern part of the site has been amended during the course of the application so it now matches the design and orientation of House A. House B is set closer to the rear gardens of 30 & 32 Longhill Road with considerably less vegetation to act as a screen. Notwithstanding this, the separations and positioning of windows are considered sufficient to ensure occupants of these adjacent properties will not suffer significant loss of light, outlook or privacy.

8.29 Residents have raised concern that two new dwellings would give rise to undue noise disturbance, principally from vehicles driving along the proposed new accessway between nos 26 & 30 Longhill Road. The proposed access would be a 3.5m-5m wide driveway running parallel with the boundary to no.26 and close to bedroom windows, leading to parking and turning facilities for 4 vehicles at the foot of the gardens to both 26 & 30 Longhill Road (N.B. these facilities that have been significantly reduced in scale during the course of the application). Acoustic fencing is proposed to the front and alongside both adjacent properties, with regular fencing to the rear part of the driveway, to help reduce any noise impact.

8.30 The Sustainable Transport officer has identified that two houses would not likely generate additional traffic movements compared to the existing arrangement, however this does not reflect the potential impact of movements along the new driveway where none currently take place.

8.31 Having regard the scale of the development, including its position in an otherwise quiet backland garden environment, it is not considered that slow moving vehicular and pedestrian movements would be sufficiently continuous or intrusive to significantly depreciate the amenities of neighbouring residents and warrant the refusal of permission in this instance. For these reasons the proposed

development would have an acceptable impact on the amenities of adjacent occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

**8.32 Sustainable Transport:**

The plans detail onsite parking for two vehicles per dwelling and a cycle store each. Access to the site would be via a 45m long 3.5m-5m wide shared surface driveway in place of 28 Longhill Road, set adjacent to the side boundary with 26 Longhill Road. The driveway would lead to a small turning area to allow access and exit in a forward gear. It is noted that there are three similar driveways, along Longhill Road leading to backland properties at nos 8a, 10, 50 & 132. As such a further accessway would not necessarily be out of keeping in this locality.

8.33 The Council's Sustainable Transport Officer has raised no objection in principle to the proposed access arrangement, subject to final details of the shared surface and appropriate highway license for the extended dropped kerb being secured. These are secured by condition. A further condition is recommended to secure improved dropped kerbs in the vicinity of the site.

8.34 Concerns over additional traffic being generated in the wider area are noted however it is not considered that the modest addition of two dwellings to this site would introduce an appreciable or significant volume of traffic (both as current or considered cumulatively with other developments in the wider Ovingdean, Rottingdean and Saltdean area) such that permission should be withheld.

**8.35 Sustainability:**

Policy CP8 of the City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition alongside details of refuse and recycling facilities.

**9 CONCLUSION**

9.1 The development of this part Urban Fringe site with two dwellings is considered acceptable in principle and subject to conditions would not significantly impact on the heritage, landscape, flooding and ecological qualities of the site and surrounds. The design of the proposed dwellings and means of access would not be of significant detriment to the amenities of neighbouring occupiers and would not result in highway safety issues, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The development would be required to meet the optional standard M4(2) under Part M of the Building Regulations.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVE**

Regulatory Conditions:

1) 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.

- 2) 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>
Site plan and block plan	1035.01	a	27/04/2016
Topographical survey	1035.02	-	03/12/2015
Proposed site plan	1035.29	a	01/06/2016
Proposed site plan and block plan	1035.32	-	01/06/2016
House A floor plans	1035.21	a	01/06/2016
House A roof plan	1035.22	b	01/06/2016
House A elevations	1035.24	b	27/04/2016
House A sections	1035.23	a	27/04/2016
House B floor plans	1035.25	a	27/04/2016
House B roof plan	1035.26	b	01/06/2016
House B sections	1035.27	a	27/04/2016
House B elevations	1035.28	a	01/06/2016
Proposed site sections A-A, B-B	1035.30	a	01/06/2016
Propose site sections C-C, D-D	1035.31	a	27/04/2016

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses 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) 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 5) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control

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

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 6) The construction of the access driveway shall be carried out in strict accordance with the method statement set out in chapter 5 of the Arboricultural, Horticultural and Ecological Management Report (RW Green Ltd) received on 3 December 2015.

**Reason:** To ensure the satisfactory protection of adjacent trees in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 7) The removal of any habitats with the potential to support breeding birds and reptiles (including buildings, scrub, woodland, the vegetated wall and scattered trees) shall be carried out in full accordance with the recommendations set out in paragraphs 5.8, 5.9 & 5.11 of the Preliminary Ecological Appraisal Report received on 3 December 2015.

**Reason:** To safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

### 11.3 Pre-Commencement Conditions

- 8) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One

- 9) Prior to commencement of development (including any works of demolition or removal of trees/planting), a full badger survey of the site and immediate surrounds shall have been carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal Report received on 3 December 2015 and have been submitted to and approved in writing by the Local Planning Authority. Any means of mitigation subsequently agreed shall be carried out in full prior to works commencing.

**Reason:** This pre-commencement condition is required to safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.



- 10) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site throughout the duration of works to accord with BS5837 (2012) has been submitted to and approved in writing by the Local Planning Authority.

No development or other operations shall take place except in complete accordance with the approved protection scheme.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan

#### 11.4 Pre-Ground floor Slab Level Conditions

- 11) 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 of all brick and stone
- b) details of the flintwork to be used
- c) samples of all hard surfacing materials
- d) details of the proposed windows, doors, balconies and railings treatments
- e) details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One.

- 12) No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 13) 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, a biodiverse 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 on the site and in accordance with policy CP10 of the City Plan Part One.

#### 11.5 Pre-Occupation Conditions

- 14) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

- 15) The development hereby permitted shall not be occupied until details of the street design for the new access drive have 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 development and shall thereafter be retained for use at all times.

**Reason:** In the interest of highway safety, quality design and public amenity and to comply with policies CP9 of the City Plan Part one and TR7 of the Brighton & Hove Local Plan.

- 16) Prior to the first occupation of the development hereby permitted the applicant shall install dropped kerbs with paving and tactile paving (if appropriate) at the junction of (and across) Ainsworth Avenue with Longhill Road via the road island.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 17) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been 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;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. measures to enhance the ecological value of the development as set out in paragraphs 5.16- 5.18 and 5.21-5.24 the Preliminary Ecological Appraisal Report received on 3 December 2015

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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.

**Reason:** To enhance the appearance of the site and increase the biodiversity of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One and Supplementary Planning Document SPD11 'Nature Conservation and Development'.

- 18) None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

- 19) None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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.

- 20) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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 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 QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The development of this part Urban Fringe site with two dwellings is considered acceptable in principle and subject to conditions would not significantly impact on the heritage, landscape, flooding and ecological qualities of the site and surrounds. The design of the proposed dwellings and means of access would not be of significant detriment to the amenities of neighbouring occupiers and would not result in highway safety issues, in accordance with development plan policies.

3. The applicant is advised to contact the Council's Streetworks team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 16.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under condition 19 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.
6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
7. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

# **ITEM L**

**Clermont Church, Clermont Terrace  
BH2016 / 00156  
Full Planning**

**13 July 2016**

# BH2016/00156 Clermont Church, Clermont Terrace, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2016/00156</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Clermont Church Clermont Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from church (D1) to 1no three bedroom flat, 3 no two bedroom flats and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations.</b>		
<b><u>Officer:</u></b>	<b>Stewart Glassar Tel 292153</b>	<b><u>Valid Date:</u></b>	<b>13/01/2016</b>
<b><u>Con Area:</u></b>	<b>Preston Park</b>	<b><u>Expiry Date:</u></b>	<b>20 July 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>RSP Architects, 1 Westbourne Grove Westbourne Gardens Hove BN3 5PJ</b>		
<b><u>Applicant:</u></b>	<b>Clermont Partnership, Mr R Raggio 146 Woodland Drive Hove</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a church building located on the corner of Cumberland Road and Clermont Terrace. This prominent Church building is set slightly back from the road on raised ground bounded by a low flint wall which abuts the back edge of the pavement.

Clermont Church, originally a Congregationalist Chapel, was erected in 1877-8 and was designed by local architect J.G. Gibbins. The Church which is Gothic in style has flint walls with a pitched slate roof. The main frontage is set within the east facing gable end, with porch entrance reached by steps and large pointed-arch stone window above.

There is an octagonal turret to the southeast corner which is supported by buttresses. There are also prominent buttresses to the side elevations which are located between the arched windows.

The Church is no longer used for its original purpose and has more recently been in use as a venue for events (Class D1 use) although the frequency of events is limited.

Subsequent extensions to the rear of the church (Clermont Hall) are finished in brick with a combination of pitched and flat roofs. It is understood that the extension is currently used by Brighton Academy (Class D1 use) which has its own, separate pedestrian entrances. These extensions are not part of the application site.

The church has been included within the Local List of Heritage Assets as it was considered to be a good example of a late Victorian chapel and contributes to the character and appearance of the locality. The church is also within the Preston Park Conservation Area.

### **3 RELEVANT HISTORY**

**BH2015/01419** - Change of use from church (D1) to 4no two bedroom and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations. Refused 17 August 2015

**96/0301/FP** - Change of use from church hall to indoor children's playground and party centre. Between the hours of 1000 and 1800, 7 days a week – Refused 25/04/1996

**C95/0013/CL** - Certificate of lawfulness for proposed use of a church hall as a children's' play centre – Refused 09/01/1996

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use from church (D1) to 6 No flats (C3) with associated alterations including installation of rooflights to North and South elevations.

The accommodation will comprise:

- 3 No. two bedroom flats
- 2 No. one bedroom flats
- 1 No. three bedroom flat

### **5 PUBLICITY & CONSULTATIONS**

**External**

5.1 **Neighbours:**

**Twenty One (21)** individual letters of representation have been received from the following addresses: **4, 21 & 27 Clermont Terrace; 4 Cumberland Lodge; 5, 8 (x2), 9 (x2), 12, 15, GFF 16, 13, 17, 18, 19, 20 & 22 (x3) Cumberland Road; 13 Lauriston Road; 4 Lynden Court** objecting to the application for the following reasons:

- Impact on additional traffic and increased demand for parking



- Submitted parking survey is inaccurate
- Two year car club membership will be ineffective
- Loss of community use
- Impact of rooflights and the development on the appearance of the building and wider area
- Overlooking/loss of privacy towards No. 27 Clermont Terrace
- General disturbance
- Density of development is too high
- Impact of the construction works
- Management of the proposed bin store

A representation from **7 Cumberland Lodge** supports the principle of the development but raises concerns with regard to the impact of car parking and having secured bin storage.

There has also been email correspondence with a relative acting on behalf of some residents living in Cumberland Road, which has raised queries and concerns regarding highways/parking, impact on heritage assets, loss of community facility.

**Councillor Taylor** has **OBJECTED** to the application. A copy of the letter is attached.

**5.2 Conservation Advisory Group: Support**

Recommended approval and welcome the improvements over the previous scheme.

**Internal:**

**5.3 Environmental Health: Support**

Approve with conditions in order to protect residents from potential noise issues.

**5.4 Heritage: Support**

On the basis of the amended drawings, recommend approval subject to standard condition preventing external visual clutter e.g. cables, wires, pipework aerials etc.

**5.5 Sustainable Transport: Support**

The applicant has addressed the previous transport reasons for and on this basis it is considered that refusal would no longer be warranted.

It is recommended that the car club membership, residential travel packs and contribution be secured as part of a S106 agreement or appropriate conditions. The S106 contribution of £3,000 will be allocated towards footway improvements in the vicinity of the site in order to provide pedestrian access to the development for users of all abilities in accordance with development plan policies.

**5.6 Housing: No adverse comments**

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

The National Planning Policy Framework (NPPF) is a material consideration.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing Density
CP20	Affordable Housing

Brighton & Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

HE10	Buildings of local interest
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Document:

SPD03 Construction and demolition waste

SPD08 Sustainable building design

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 In the determination of the application the main issues for consideration relate to the principle of residential use; the loss of a community facility; the impact of the works on a heritage asset and wider Conservation Area; the impacts of the proposed residential units on the amenity of both future occupiers and neighbours to the site; sustainability and transport infrastructure. Consideration must also be given to the impact upon the Council's housing supply figures and provision of affordable housing.

### **8.2 Principle of Use:**

The application site is located within a predominantly residential area of Preston Park. The properties adjacent and opposite the site in Clermont Terrace and Cumberland Road are in residential use.

Although the proposal would create flats rather than houses which are the predominant form of accommodation in the immediate vicinity, City Plan policy CP14 supports the efficient use of land and where appropriate encourages increased densities provided the development is of a high standard and would not be out of keeping with the area. Therefore, in principle this site is appropriate for residential use and at a higher density than exists at present.

### **8.3 Community Use:**

Local plan policy HO20 of the Local Plan seeks to prevent the loss of community (Class D1) facilities. Exceptions may apply when:

- a) the community use is incorporated, or replaced within a new development; or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.

The objective behind the policy is to protect community facilities. The building for which the change of use is sought was formerly a church (Class D1 use) and has more recently been available to hire as a venue for leisure/community users. It is clear however that the premises have not operated as a church for some time and the more recent activities can best be described as sporadic.

The application includes information indicating that the existing community use of the building is redundant. A letter from a local firm of commercial property agents sets out the site's limitations which include the lack of disabled access, no WC facilities (toilet facilities in Clermont Hall can only be used outside of term time), cost of heating and cost of maintenance and repair; the availability of better facilities at other sites. The property agent indicates that the property has been marketed since May 2015 both on their website and direct approaches to 113 'live' applicants interested in community/leisure properties and 203 'live' applicants looking for office accommodation, but has generated little interest in finding either new owners or occupiers. The property has recently (May 2016) appeared in The Argus as available to let. The agent indicates that the building has been marketed at a fair price/rent although there is limited comparative information/evidence submitted to demonstrate both this and that the level of market interest is not a result of the level of marketing.

The applicant has approached the Trust for Developing Communities, which is based in Hove but they have indicated that they have no interest in using the Church and have no information on local groups in the area. They provided the applicant with a list of community groups of which the six nearest were contacted. The applicant has indicated that only one response was received, from Dolphin House Clinic, which confirmed that they were not interested in the property.

The Church was sold to the applicant in 2006. At that point the congregation had dwindled to a very small number of parishioners and clearly there was no longer a demand for the church use. Since that time the applicant has sought to hire out the building for various community/leisure activities but this has been on a commercial basis and was not exclusively available for local community groups. However, this use has been somewhat sporadic and it is accepted that the existing building does have limitations (lack of toilet/kitchen facilities) which no doubt did and continue to limit its attractiveness for users generally. The building is also not particularly accessible for people with disabilities.

The applicant has referred to other community facilities in the vicinity and the lack of demand over recent years for Clermont Church. There is little evidence to indicate whether these other facilities are fully utilised or adequate to meet local needs.

Whilst the community facility was to some extent lost 10 years ago when the church was sold to the applicant, this application would consolidate the loss and preclude any opportunity for a replacement community use on site. Accordingly, there would potentially be some conflict with Policy HO20. The

marketing undertaken by the applicant does not demonstrate that there is no local need for some form of community use on the site, only that there is no likely prospect of this being provided commercially. No evidence has come forward from the consultees or objectors to indicate that there is a need for community space in the local area.

Taking all these circumstances into account, the weight which the Local Planning Authority can give to the conflict with Policy HO20 will be limited given the passage of time since the building was consistently used for community use; the unsuitability of the building to meet users' needs and the lack of forthcoming evidence to suggest that there is a need for this facility. Accordingly, the practical harm which would arise from any conflict with Policy HO20 would be limited.

Policy CP5 of the City Plan seeks to protect existing arts and performance venues and imposes a number of requirements on any changes of use. However, the objective of the policy is to maintain and enhance the cultural offer of the city to benefit residents and visitors. Given the history of the application site it cannot easily be described as an existing arts or performance venue which would be likely to be a Class D2 (Leisure and Assembly) use class rather than Class D1 (Non-residential Institution). It is therefore doubtful that the policy is particularly applicable to the current application/site. As with the considerations in relation to Policy HO20, the passage of time since the building was consistently used as any sort of venue, the unsuitability of the building to meet users' needs and the lack of forthcoming evidence to suggest that there is a need for this facility would all weigh against there being any practical harm arising from any perceived conflict with Policy CP5.

#### **8.4 Appearance and Heritage:**

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area.

The application site is within the Preston Park Conservation Area and is on the list of locally interesting buildings. It has been identified as a heritage asset which positively contributes to the character and appearance of the conservation area. Local Plan Policy HE10 specifically seeks to protect buildings of local interest.

The application seeks to largely retain the external appearance and fabric of the existing building but will need to make certain alterations and additions as part of its conversion. The main additions will be in the form of rooflights to enable the roofspace to be converted to living accommodation.

The previous application proposed five rooflights on each (north and south) slope together with the insertion of a new door and window in the south

elevation of the building which was to become the new, main entrance to the building. The rooflights were considered to result in the over cluttering of the roof slope and the new door and window were considered to be inappropriate additions to the building.

As a consequence the current application now proposes two rooflights on the southern roof slope and four rooflights on the northern slope. The additional window and door on the southern elevation have been omitted. The most prominent roof slope is the southern one which faces Cumberland Road. Of the two rooflights, one would largely be obscured by the building's existing turret and helps to minimising the overall impact. As a result these external alterations to the building are now considered to be acceptable in heritage terms.

The main window on the east (front) elevation is an intrinsic feature of the building and the previously proposed alterations to its detailing were considered likely to erode the overall appearance and architectural integrity of the Church. In particular, inserting opening lights into the window and a stone moulding across the transom line in order to help obscure the new internal floor slab were considered to be unacceptable. The current scheme now omits the opening windows and the first floor slab would be supported by a slender metal plate behind the window which would line up with the existing metal cross bars. This is now considered to be an appropriate solution.

The applicant's agent has now confirmed that existing grilles will be used for mechanical ventilation and there will only be one soil vent pipe (which allows smells and odours from the drainage system to vent). It will be located within the existing chimney stack on the building. Therefore, there will not be the clutter of domestic services which can sometimes be overlooked and adversely impact upon the appearance of a conversion of this nature. A condition specifically preventing the fixing of such paraphernalia or the penetration of external surfaces beyond those shown on the submitted drawings is recommended.

The National Planning Policy Framework states that Local Planning Authorities should take into account "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". Ensuring the long term future of the building would certainly be beneficial to the area as well as the building itself and by minimising the impact of the conversion works on the architectural integrity of the building, the proposal can now be considered to be consistent with the conservation of the building.

In view of the above it is considered that the works to the building would not significantly harm its appearance and accordingly the proposal would preserve the appearance of the conservation area. The reuse of the building for residential purposes would to some extent alter how the building interacts with the surrounding area as there will be an intensification of its use with a greater level of comings and goings and general activity. However, this activity will be in keeping with the wider uses and activities taking place in the area and thus the character of the conservation would be unharmed and so preserved. It is also accepted that bringing the building back into productive use would have a longer

term beneficial impact on the conservation area than seeing the building slowly decay.

The Conservation Area Advisory Group has similarly concluded that the scheme is acceptable in regard to its visual impact and in recommending approval noted that this application represented a significant improvement on the previous scheme.

Thus, it is considered that the proposal has been sufficiently amended from the previous scheme so as to preserve the character and appearance of the locally listed building and the wider conservation area. The application therefore accords with Policies HE6, HE10 and QD14 of the Brighton & Hove Local Plan.

#### **8.5 Impact upon Amenities of Neighbouring Properties:**

Policy QD27 of the Brighton & Hove Local Plan 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.

The proposed residential units would result in comings and goings and some noise emanating from the building. Such noise and activity is considered to be in keeping with the residential character of the surrounding area and would not cause significant harm to neighbouring amenity. Any potential noise or disturbance from the proposed use is unlikely to be significantly greater than what could occur from any other residential use and therefore there does not appear any particular reason why a residential use and associated activity in this location would have adverse impacts upon the wider amenity.

Concern has also been raised with regard to the impact that the additional demand for parking could have on the amenity of existing residents as a result of the potential added inconvenience. The issue of highway safety is addressed elsewhere in this report but in addressing that issue the Highway Authority also seeks to promote alternative, sustainable modes of transport and reduce the reliance on private cars and thus the need for parking. The Highway Authority estimates that a maximum demand of 5 spaces could result from the development but that the impact on parking in the area would not be 'severe' in highway terms. Whilst any additional car parking demand would represent some form of inconvenience for existing residents but it is difficult to say at what point it would cause harm to amenity or whether it would in turn lead to some existing residents switching to alternative forms of transport and thus reducing any impact. Overall it is considered that the level of demand for on-street car parking which might arise from the development is unlikely to cause sufficient harm to the amenity of existing residents in the area to warrant refusal of the application.

The proposed rooflights included within the previous scheme were not considered to result in any significant overlooking. It is noted that the number of windows has now been reduced from five to four on the northern elevation, which faces towards No. 27 Clermont Terrace. Two of the windows serve kitchen areas and the remaining two serve bedrooms so the potential for

overlooking is slightly reduced. The existing roof has a relatively steep pitch of approximately 55° which would assist in restricting direct views towards the neighbour.

The windows on the southern elevation are now limited to two in number and front on to Cumberland Road. These proposed alterations are considered unlikely to cause an adverse impact on neighbouring amenity.

Overall the proposal would be in accordance with policy QD27.

## 8.6 Standard of Accommodation

The standard of accommodation proposed by the development is generally considered to be acceptable. All but one of the proposed bedrooms would be of sufficient size to meet the Nationally Described Space Standard minimum requirement for a double bedroom and the other bedroom (serving Flat 2) would be above the minimum size for a single bedroom. The amount of space given over to each flat is reasonable although the living/kitchen area for Flat 1 is probably the least generous given it is serving the three bedroom flat.

The proposed flats would provide natural light to all the habitable rooms. However, as with most conversions of this nature, existing windows do not necessarily lend themselves to modern residential layouts and in accepting the principle of a conversion there will normally need to be a balance between the re-use of the building and the standard of accommodation. Thus, the mezzanine levels serving Flats 5 and 6 would obtain some light from the rooflights serving the dining areas below but overall the mezzanine levels are likely to be less well lit than other rooms within the conversion.

The bathrooms within the development would not generally benefit from natural light or ventilation, however as they are not habitable rooms this would not warrant a reason for refusal in this instance.

As with the previous application, future occupiers would not have access to any garden space due to the constraints of the site. The site is in a central location near to numerous public amenity spaces and public transport routes. Although no private amenity space is proposed, taking into account the size of the proposed flats and the central location, this is considered acceptable in this instance.

The site is alongside a railway and acoustic information has been submitted by the applicant to establish what additional measures are required to protect future occupiers from noise from the railway. The Environmental Health Officer has confirmed that the flats can comply with the WHO/BS8233 internal noise criteria, provided the secondary glazing shown on the drawings is installed. As the internal noise standards can only be met for those rooms most exposed to noise with the windows shut the consultant's report has indicated that some rooms will need an alternative method of ventilation. The Environmental Health Officer has noted that one of the ventilation system identified in the application would be acceptable (an extract fan system for all flats) and that providing this information via condition would be acceptable. Concerns were expressed that the system



could involve the insertion of new vents but the applicant's agent has confirmed that existing grilles within the building can be utilised.

Overall, it is considered that the flats would provide a reasonable standard of accommodation and the application accords with Local Plan policies SU10 and QD27.

## 8.7 Transport Issues

City Plan Policy CP9 provides a sustainable transport context within which developments need to be assessed. Part of the wider policy objectives are ensuring that new developments address the travel demand arising from the proposal and that car parking standards are adhered to.

Brighton & Hove Local Plan policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in SPG note 4.

The applicant has submitted a Transport Report which is an updated report following the previous refusal. Although the Highway Authority has identified some inconsistencies in the submitted data, their overall conclusion is that these do not alter their conclusion that the scheme would not have a significant impact on the surrounding transportation network.

However, the Highway Authority considers that the development will give rise to a need to upgrade the pedestrian network in the immediate vicinity of the site and that a contribution of £3,000 towards dropped kerbs and tactile paving at the Clermont Terrace/Cumberland Road and Cumberland Road/Cumberland Drive junctions is required. This will ensure that the development is in accordance with Policy TR7 of the Local Plan and Policy CP9 of the City Plan Part One.

The development does not provide any on-site parking. The Transport Report submitted with the application has included a parking survey which concluded that the development would not have an adverse impact upon the surrounding area. A subsequent survey, undertaken by local residents, was submitted which called into question some of the findings and conclusions of the Transport Report. The Highway Authority has reviewed both submissions and concluded that the Transport Report's survey was undertaken in line with the Lambeth Parking Survey Methodology, which is widely used and is the approach applied by the Highway Authority. In addition, the Highway Authority has undertaken visits at various times of the day and evening to fully understand the parking stress in the local area. The overall conclusion is that the level of impact is not 'severe', which would be the benchmark under the NPPF required to refuse the application.

Nevertheless, in order to meet the requirements of Policy TR4 of the Local Plan and Policy CP9 of the City Plan Part One, the development will generate a requirement for a Travel Plan, in order to promote sustainable transport. The Highway Authority has indicated that the scheme should include, but not be

limited to, a 2 year car club membership per household. The applicant has indicated that this would be acceptable.

The proposal includes cycle parking in the basement for the required 8 spaces as set out in SPGBH4 for this type of proposal. The basement, which would also accommodate the refuse bins, would be locked and would therefore provide secure covered storage.

Subject to the requirements for a Travel Plan, off-site works and the implementation of cycle storage the Highway Authority has not raised an objection to the application.

#### **8.8 Sustainability:**

Brighton & Hove City Plan Policy CP8 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. Conversions do, inherently involve the re-use of materials and the application indicates that the flats will incorporate water efficient measures and the re-use of rainwater. However, the building is not suitable for measures such as solar panels.

#### **8.9 Housing Supply and Affordable Housing:**

City Plan Policy CP20 requires a contribution towards affordable housing in respect of all schemes of 5 residential units or more. The housing provision target set in the recently adopted Brighton & Hove City Plan Part One (BHCPP1) is for 13,200 new dwellings to be provided up to 2030. This represents 44% of the city's objectively assessed housing need which was assessed to be 30,120 dwellings. The City Plan Inspector accepted this provision given that the city is highly constrained in terms of opportunities for further growth and expansion. Given this local circumstance it is imperative that opportunities to secure much needed affordable housing are maximised.

The application proposes the creation of six new flats. It is acknowledged that this will be a helpful contribution towards meeting the housing supply requirements for the City and weighs in favour of the application.

With regard to affordable housing the Council acknowledges that current national policy attaches significant weight to both the contents of the 2014 Written Ministerial Statement and the updated NPPG guidance which indicates that sites below 10 residential units should not be required to make a contribution towards affordable housing. However, it is clear from the May 2016 Court of Appeal decision (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government*) that Local Planning Authorities have a discretion to consider how much weight to give to lower thresholds justified by local circumstances as compared with national policy.

In Brighton & Hove a substantial proportion of the housing delivered in recent years has been through small scale development of 10 units or less; in the

period 2010 to 2015, schemes of less than 10 residential units delivered 53% of all new housing units in Brighton & Hove. This theme is projected to continue in forthcoming years and therefore it is essential to the successful delivery of the Council's affordable housing strategy as set out in the BHCCP1 that schemes of 5 units or more do contribute to the delivery of affordable housing.

On balance therefore, it is considered that the current application should make a contribution towards affordable housing. The Council's guidance indicates that the scheme should contribute £164,500. The applicant has agreed to this level of contribution.

## **9 CONCLUSION**

9.1 The site is within a sustainable location which in principle is suitable for residential use. The proposed conversion works are not considered to harm the appearance of the building itself and will preserve the character and appearance of the wider conservation area. The proposal will also make a contribution towards the overall supply of housing for the City and to the provision of affordable housing. The impact of the conversion on existing neighbours, proposed residents and the parking provision within the area have all been considered to be acceptable in this instance.

In contrast, the application would potentially be contrary to Policy HO20 and could be seen to consolidate the loss of any church/community use and prevent the opportunity for any replacement community use. However, the practical harm which would arise from any conflict with Policy HO20 or Policy CP5 would be limited and in this particular instance outweighed by the benefits of providing additional housing for the City.

## **10 EQUALITIES**

10.1 Given the nature and age of the building the entrance necessitates negotiating some stairs which cannot be removed or easily replaced with a ramped access. This will make it harder for those with some disabilities to access the building.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### S106 Heads of Terms

- Affordable Housing Contribution of £164,5000
- Travel Plan scheme to include, but not be limited to, a 2 year car club membership per household
- £3,000 towards dropped kerbs and tactile paving at the Clermont Terrace/Cumberland Road and Cumberland Road/Cumberland Drive junctions

### Regulatory Conditions:

- 1) 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.

- 2) 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 Elevations	1460/06	C	07/03/16
Proposed Plans, Ground & First Floor	1460/04	C	13/01/16
Proposed Plans, Second & Mezzanins & Section AA	1460/05	C	13/01/16

- 3) Prior to the commencement of development, a scheme for the ventilation of the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the specifications to ensure that the internal noise levels will achieve BS8233:2014 (or any subsequent British Standard revoking and re-enacting that British Standard with or without modification). The approved scheme shall be fully implemented prior to occupation of any of the flats and shall be retained thereafter.

**Reason:** In order to protect future occupiers from noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) Notwithstanding the submitted plans, existing fixed Victorian glazing shall not be made openable and the internal window details/secondary glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall thereafter be fully installed prior to occupation of any flat and thereafter be fully retained.

**Reason:** In order to protect future occupiers from noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 5) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 6) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 7) Prior to first occupation of the development hereby permitted, details of the secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 TR14 of the Brighton & Hove Local Plan.

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The site is within a sustainable location suitable for residential use. The works are not considered to harm the appearance of the building and will preserve the character and appearance of the conservation area. The proposal will also make a contribution towards the overall supply of housing for the City and to the provision of affordable housing. The impact of the conversion on existing neighbours, proposed residents and the parking provision within the area have all been considered to be acceptable in this instance. The practical harm which would arise from any conflict with Policy HO20 or Policy CP5 would be limited and in this particular instance outweighed by the benefits of providing additional housing for the City.



COUNCILLOR REPRESENTATION

---

**From:** Nicholas Taylor  
**Sent:** 04 March 2016 4:23 PM  
**To:** Jeanette Walsh  
**Cc:** Paul Vidler; Nicola Hurley  
**Subject:** BN2016/00156  
**Importance:** High

Dear Jeanette, Paul and Nicola,

---

Please find attached my objections to the above planning application.

Enjoy your weekend.

Best wishes,

Nick

Cllr. Nick Taylor  
Conservative Councillor for Withdean  
Member of Audit and Standards Committee  
Member of Children, Young People and Skills Committee  
Outside Bodies:  
Education Trusts Committee

1

COUNCILLOR REPRESENTATION



Ms J Walsh  
Planning and Building Control  
Applications Manager  
Brighton and Hove City Council  
Kings House  
Grand Avenue  
Hove  
BN3 2LS

**Councillor Nick Taylor**

Brighton & Hove City Council  
c/o King's House  
Grand Avenue  
Hove BN3 2LS

4<sup>th</sup> March 2016

Dear Ms Walsh,

**RE: Objection to Planning Application BH2016/00156**

I wish to object to the above named planning application in Withdean ward.

I am very concerned that the plans to convert the Clermont Church into residential flats will add to the overcrowding which already exists in Preston Village. The area is already a site of parking stress and if this application is approved, this will only exacerbate the problem.

Preston Village is also a conservation area and I would therefore be grateful if considerations for the heritage of the village would be considered when deciding on this application.

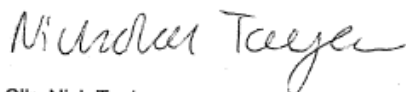
This application is already causing residents concern for the reasons above.

I would therefore be most grateful that if the officer recommendation is minded to agree to the planning application under delegated powers, I request that this matter is taken to the Planning Committee and my objections added to the committee papers for their consideration.

With thanks to your consideration and I look forward to hearing the outcome in due course.

I have copied in my fellow ward Councillors for their information.

Yours sincerely,



Cllr. Nick Taylor

cc. Cllr. Ann Norman  
Cllr. Ken Norman



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 20</b> Brighton & Hove City Council
---------------------------	---

**Information on Pre-application Presentations and Requests 2016**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
tbc	Medina House, 9 Kings Esplanade, Hove	Central Hove	Demolition of existing building and construction of a new dwelling
tbc – 2 <sup>nd</sup> August requested	Land at Blackman Street/Station Street/Cheapside, Brighton	St Peters & North Laine	Proposed new B1 office building
12 <sup>th</sup> July	Land South of Ovingdean Road, Brighton	Rottingdean Coastal	Outline planning application with appearance reserved for the construction of new dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in King's House on the date given after scheduled site visits unless otherwise stated.**



**PLANS LIST 13 July 2016****BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION  
FOR EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING  
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION****PATCHAM****BH2016/00443****Unit 6 Crowhurst Road Brighton**

Change of use from cash and carry (A1) to 2no two bedroom flats at first floor level. (Part Retrospective)

**Applicant:** Bestway Wholesale Ltd

**Officer:** Emily Stanbridge 292359

**Refused on 16/05/16 DELEGATED**

**BH2016/00504****2 Thornhill Avenue Brighton**

Formation of new roof incorporating increased ridge height, front and rear windows and side rooflights. Replacement of existing rear conservatory with a single storey rear extension. (Amended)

**Applicant:** Mr & Mrs Kevin Colburn

**Officer:** Ayscha Woods 292322

**Approved on 07/06/16 DELEGATED**

**BH2016/00695****36 Overhill Drive Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear and front rooflights. Erection of single storey side extension.

**Applicant:** Mrs Jo Kennedy

**Officer:** Molly McLean 292097

**Approved on 24/05/16 DELEGATED**

**BH2016/00936****29 Larkfield Way Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Ty Craker

**Officer:** Laura Hamlyn 292205

**Refused on 27/05/16 DELEGATED**

**BH2016/00955****6 Brangwyn Drive Brighton**

Removal of existing conservatory and erection of single storey rear extension.

**Applicant:** Mrs Chris King

**Officer:** Allison Palmer 290493

**Approved on 16/05/16 DELEGATED**

**BH2016/00959**

**52 Lyminster Avenue Brighton**

Conversion of existing garage to form habitable room with extension to front and increase in roof height.

**Applicant:** Ms Debra Tretheway

**Officer:** Laura Hamlyn 292205

**Refused on 27/05/16 DELEGATED**

**BH2016/01054**

**45 Sanyhills Avenue Brighton**

Erection of single storey rear extension.

**Applicant:** Mrs S Peters

**Officer:** Laura Hamlyn 292205

**Approved on 16/05/16 DELEGATED**

**BH2016/01106**

**149B Vale Avenue Brighton**

Erection of first floor side extension over existing garage.

**Applicant:** Mark Wakelin

**Officer:** Laura Hamlyn 292205

**Refused on 24/05/16 DELEGATED**

**BH2016/01115**

**230 Mackie Avenue Brighton**

Erection of single storey granny annexe to rear garden.

**Applicant:** Mrs Julie Wakeford

**Officer:** Laura Hamlyn 292205

**Refused on 27/05/16 DELEGATED**

**BH2016/01205**

**102 Ladies Mile Road Brighton**

Erection of first floor side extension.

**Applicant:** Mr Joseph Dowsin

**Officer:** Laura Hamlyn 292205

**Refused on 02/06/16 DELEGATED**

**BH2016/01212**

**4 Beechwood Close Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m for which the maximum height would be 3.1m, and for which the height of the eaves would be 3.7m.

**Applicant:** Susan Andrew

**Officer:** Molly McLean 292097

**Prior Approval is required and is approved on 16/05/16 DELEGATED**

**BH2016/01281**

**22 Carden Avenue Brighton**

Application for Approval of Details Reserved by Condition 8 of application BH2014/03875.

**Applicant:** Mr Michael Forzans

**Officer:** Adrian Smith 290478

**Approved on 25/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01481**

**79 Ladies Mile Road Brighton**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mr Jon Webb

**Officer:** Laura Hamlyn 292205

**Prior approval not required on 06/06/16 DELEGATED**

**PRESTON PARK**

**BH2015/04002**

**107 & 107B Beaconsfield Villas Brighton**

Alterations to property incorporating installation of new window to lower ground floor rear, replacement of rear bay windows with squared bay windows, replacement and extension of rear ground floor terrace including glazed screening, installation of glazed barrier to front lightwell and associated works.

**Applicant:** Mr Wayne Taylor

**Officer:** Luke Austin 294495

**Refused on 19/05/16 DELEGATED**

**BH2015/04380**

**1 Shaftesbury Place Brighton**

Installation of front dormer and rear rooflight.

**Applicant:** Investsave

**Officer:** Mark Thomas 292336

**Approved on 12/05/16 DELEGATED**

**BH2015/04382**

**1 Shaftesbury Place Brighton**

Installation of front rooflight and rear dormer.

**Applicant:** Investsave

**Officer:** Mark Thomas 292336

**Refused on 12/05/16 DELEGATED**

**BH2015/04490**

**168 Springfield Road Brighton**

Certificate of lawfulness for existing use as a residential dwelling (C3).

**Applicant:** Mr Kerry Wilson

**Officer:** Mark Thomas 292336

**Approved on 13/05/16 DELEGATED**

**BH2016/00456**

**27 Preston Park Avenue Brighton**

Demolition of existing single dwelling and erection of 1no two storey three bedroom single dwelling (C3).

**Applicant:** Mr J Woodfine

**Officer:** Mark Dennett 292321

**Refused on 13/05/16 DELEGATED**

**BH2016/00491**

Report from 12/05/2016 to 08/06/2016

**39A Havelock Road Brighton**

Revised fenestration to rear and side elevations and insertion of new door and window to undercroft.

**Applicant:** Mr Daniel Ritchie

**Officer:** Laura Hamlyn 292205

**Approved on 24/05/16 DELEGATED**

**BH2016/00724**

**Flat 5 17 Highcroft Villas Brighton**

Replacement of existing timber windows with UPVC windows.

**Applicant:** Mr Andrew Hamilton-Smith

**Officer:** Charlotte Bush 292193

**Approved on 23/05/16 DELEGATED**

**BH2016/00736**

**23 Rugby Road Brighton**

Replacement of existing timber sliding sash windows.

**Applicant:** Mrs Judith Matthews

**Officer:** Laura Hamlyn 292205

**Approved on 23/05/16 DELEGATED**

**BH2016/00818**

**11A Florence Road Brighton**

Partial demolition of retaining wall between upper and lower terrace levels and erection of single storey rear extension.

**Applicant:** Mr Richard Bagwell

**Officer:** Laura Hamlyn 292205

**Approved on 18/05/16 DELEGATED**

**BH2016/00908**

**Land Rear Of 7-9 Springfield Road Brighton**

Application for Approval of Details Reserved by Conditions 5, 6, 7 and 9 of application BH2014/02684.

**Applicant:** Geneva Investment Group Ltd

**Officer:** Joanne Doyle 292198

**Split Decision on 13/05/16 DELEGATED**

**BH2016/00934**

**6 Havelock Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Roger Horlock

**Officer:** Laura Hamlyn 292205

**Approved on 23/05/16 DELEGATED**

**BH2016/01067**

**Top Floor Flat 60 Springfield Road Brighton**

Installation of rooflights to front and rear elevation.

**Applicant:** Ms Nicki Wrede

**Officer:** Laura Hamlyn 292205

**Approved on 19/05/16 DELEGATED**

**BH2016/01107**

**19 Sandgate Road Brighton**

Report from 12/05/2016 to 08/06/2016

Erection of single storey rear extension.

**Applicant:** Mrs Sarah Gobey  
**Officer:** Laura Hamlyn 292205  
**Refused on 24/05/16 DELEGATED**

**BH2016/01187**

**68 Sandgate Road Brighton**

Erection of second floor rear extension.

**Applicant:** Bayleaf Homes  
**Officer:** Laura Hamlyn 292205  
**Approved on 01/06/16 DELEGATED**

**BH2016/01193**

**30 Stafford Road Brighton**

Certificate of lawfulness for proposed loft conversion with front rooflights and rear dormer.

**Applicant:** Ms Carine Herman  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 06/06/16 DELEGATED**

**BH2016/01250**

**3 Lancaster Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.44m for which the maximum height would be 2.91m, and for which the height of the eaves would be 2.01m.

**Applicant:** Laura Hearnshaw  
**Officer:** Molly McLean 292097  
**Prior Approval is required and is refused on 20/05/16 DELEGATED**

**BH2016/01614**

**49 Coventry Street Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.84m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 2.25m.

**Applicant:** Martin Dye  
**Officer:** Laura Hamlyn 292205  
**Prior approval not required on 06/06/16 DELEGATED**

**BH2016/01660**

**43 Port Hall Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.70m for which the maximum height would be 3.75m, and for which the height of the eaves would be 2.60m.

**Applicant:** Jon Robins  
**Officer:** Ayscha Woods 292322  
**Prior approval not required on 06/06/16 DELEGATED**

**REGENCY**

**BH2015/02624**

Report from 12/05/2016 to 08/06/2016

**7-10 13-16 26-28 and 33-36 Brighton Square Brighton**

Application for Approval of Details Reserved by Conditions 5, 8 and 13 of application BH2013/00712.

**Applicant:** Centurion Group  
**Officer:** Gareth Giles 293334  
**Approved on 25/05/16 DELEGATED**

**BH2015/04441**

**17 Victoria Street Brighton**

Erection of first floor rear extension and installation of 2no rear rooflights.

**Applicant:** Mr Mackenzie Bell  
**Officer:** Charlotte Bush 292193  
**Refused on 18/05/16 DELEGATED**

**BH2015/04442**

**17 Victoria Street Brighton**

Erection of first floor rear extension and installation of 2no rear rooflights.

**Applicant:** Mr Mackenzie Bell  
**Officer:** Charlotte Bush 292193  
**Refused on 18/05/16 DELEGATED**

**BH2016/00063**

**Crown House 21 Upper North Street Brighton**

Recladding of building and replacement of existing window and doors with metal framed windows and door with associated alterations.

**Applicant:** MHA Associates Ltd  
**Officer:** Helen Hobbs 293335  
**Approved on 17/05/16 DELEGATED**

**BH2016/00281**

**109, 109A & 110 Western Road Brighton**

Conversion of second floor ancillary storage (A1) to form one bedroom flat (C3) with additional windows to second floor east elevation.

**Applicant:** Roseview Homes Ltd  
**Officer:** Mark Dennett 292321  
**Approved on 08/06/16 DELEGATED**

**BH2016/00475**

**169 Kings Road Arches Brighton**

Display of externally illuminated fascia sign. (Retrospective)

**Applicant:** The Laine Pub Company  
**Officer:** Justine Latemore 292138  
**Approved on 27/05/16 DELEGATED**

**BH2016/00476**

**169 Kings Road Arches Brighton**

Alterations to timber cladding and roller shutters to front. (Retrospective)

**Applicant:** The Laine Pub Company  
**Officer:** Justine Latemore 292138  
**Approved on 27/05/16 DELEGATED**

**BH2016/00576**

**53 - 54 North Street Brighton**

Display of internally-illuminated fascia and projecting sign and non-illuminated Report from 12/05/2016 to 08/06/2016



window vinyl's.

**Applicant:** Ms Tara Gordon  
**Officer:** Emily Stanbridge 292359  
**Approved on 08/06/16 DELEGATED**

**BH2016/00577**

**53 - 54 North Street Brighton**

Installation of new shop front and associated alterations.

**Applicant:** Ms Tara Gordon  
**Officer:** Emily Stanbridge 292359  
**Approved on 08/06/16 DELEGATED**

**BH2016/00716**

**Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton**

Display of externally illuminated sign fixed to security screen and non-illuminated fascia sign and flags.

**Applicant:** Marks Barfield Architects  
**Officer:** Maria Seale 292175  
**Approved on 16/05/16 DELEGATED**

**BH2016/00802**

**8 Boyces Street Brighton**

Removal of existing condenser unit and extract ducts and installation of 3no condenser units, supply air and extract ductwork to rear of property.

**Applicant:** Mr Raz Helalat  
**Officer:** Mark Dennett 292321  
**Approved on 16/05/16 DELEGATED**

**BH2016/00892**

**18 Clifton Terrace Brighton**

Alterations to fenestration and other associated internal and external repair works.

**Applicant:** Mr Aleks Yagdzhiyants  
**Officer:** Mark Dennett 292321  
**Approved on 25/05/16 DELEGATED**

**BH2016/00893**

**18 Clifton Terrace Brighton**

Alterations to fenestration and other associated repair works.

**Applicant:** Mr Aleks Yagdzhiyants  
**Officer:** Mark Dennett 292321  
**Approved on 25/05/16 DELEGATED**

**BH2016/00896**

**8F Bedford Towers Kings Road Hove**

Enclosure of balcony with double glazed UPVC windows. (Retrospective)

**Applicant:** Mrs Sonia Dalby  
**Officer:** Ryan OSullivan 290480  
**Approved on 24/05/16 DELEGATED**

**BH2016/00961**

Report from 12/05/2016 to 08/06/2016

**Lace House 39 - 40 Old Steine Brighton**

Display of externally-illuminated mesh scaffold shroud.

**Applicant:** Sponsored Restorations Limited

**Officer:** Wayne Nee 292132

**Approved on 06/06/16 DELEGATED**

**BH2016/01019**

**46 Russell Square Brighton**

Internal alterations to flat at basement level including reinforcement of existing wall and arched soffit, damp remedial works and waterproof finishes.

**Applicant:** Waterglen

**Officer:** Tim Jefferies 293152

**Approved on 13/05/16 DELEGATED**

**BH2016/01056**

**24 Duke Street Brighton**

Change of use from retail (A1) to retail (A1) and restaurant (A3).

**Applicant:** Mr Ivan Dong

**Officer:** Mark Dennett 292321

**Approved on 19/05/16 DELEGATED**

**BH2016/01109**

**6 Sillwood Place Brighton**

Installation of 2no rooflights, masonry railing and external security lamp to west elevation.

**Applicant:** Mr Stuart Roux

**Officer:** Ryan OSullivan 290480

**Refused on 24/05/16 DELEGATED**

**BH2016/01129**

**22C Sillwood Street Brighton**

Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis).

**Applicant:** Mr John Standing

**Officer:** Sonia Gillam 292265

**Approved on 31/05/16 DELEGATED**

**BH2016/01136**

**8 Boyces Street Brighton**

Display of non-illuminated fascia sign and externally-illuminated hanging sign.

**Applicant:** Mr Helalat

**Officer:** Mark Dennett 292321

**Approved on 31/05/16 DELEGATED**

**BH2016/01201**

**54 Marlborough House Old Steine Brighton**

Display of externally-illuminated mesh scaffold shroud.

**Applicant:** Mark Wilkinson

**Officer:** Helen Hobbs 293335

**Approved on 27/05/16 DELEGATED**

**BH2016/01233**

Report from 12/05/2016 to 08/06/2016

### **40 Duke Street Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2015/02705.

**Applicant:** Mrs Lisa Finch  
**Officer:** Chris Swain 292178  
**Approved on 13/05/16 DELEGATED**

### **BH2016/01279**

#### **36 East Street Brighton**

Internal alterations to ground floor. (Retrospective)

**Applicant:** Mr Andrew Singleton  
**Officer:** Tim Jefferies 293152  
**Approved on 08/06/16 DELEGATED**

### **BH2016/01786**

#### **7 7A & 7B Ship Street Gardens Brighton**

Application for Approval of Details Reserved by Conditions 9 and 12 of application BH2015/02264.

**Applicant:** Taylor Patterson Sipp  
**Officer:** Liz Arnold 291709  
**Approved on 27/05/16 DELEGATED**

### **ST. PETER'S & NORTH LAINE**

### **BH2015/03942**

#### **113 Queens Road Brighton**

Removal and replacement of cladding including installation of insulation, replacement of existing single glazed windows with double glazed windows and associated works.

**Applicant:** Ms Olivia Canham  
**Officer:** Ryan OSullivan 290480  
**Approved on 13/05/16 DELEGATED**

### **BH2016/00082**

#### **5 Queen Square Brighton**

Creation of additional floor with external terrace and glass balustrading to front.

**Applicant:** Mr Leslie Howell  
**Officer:** Helen Hobbs 293335  
**Refused on 23/05/16 DELEGATED**

### **BH2016/00339**

#### **16 Queens Place Brighton**

Installation of new ground floor façade, entrances and alterations to fenestration.

**Applicant:** Mr H Nicholson  
**Officer:** Joanne Doyle 292198  
**Approved on 13/05/16 DELEGATED**

### **BH2016/00601**

#### **Flat 4, 131 Ditchling Road Brighton**

Replacement of existing timber windows with UPVC windows.

**Applicant:** Mr Andrew Todd  
Report from 12/05/2016 to 08/06/2016

**Officer:** Charlotte Bush 292193  
**Refused on 23/05/16 DELEGATED**

**BH2016/00617**

**19 Alexandra Villas Brighton**

Erection of single storey rear conservatory at lower ground floor level.

**Applicant:** Pebble House Limited

**Officer:** Emily Stanbridge 292359

**Approved on 06/06/16 DELEGATED**

**BH2016/00639**

**6A St Georges Place Brighton**

Erection of single storey rear conservatory. (Part retrospective)

**Applicant:** Mr Kevin Swift

**Officer:** Joanne Doyle 292198

**Approved on 03/06/16 DELEGATED**

**BH2016/00640**

**6A St Georges Place Brighton**

Erection of single storey rear conservatory. (Part retrospective)

**Applicant:** Mr Kevin Swift

**Officer:** Joanne Doyle 292198

**Approved on 03/06/16 DELEGATED**

**BH2016/00989**

**Unit 1B North Street Quadrant Brighton**

Display of non-illuminated fascia and hanging signs. (Retropective)

**Applicant:** Jessops

**Officer:** Joanne Doyle 292198

**Approved on 23/05/16 DELEGATED**

**BH2016/01029**

**106 Lewes Road Brighton**

Application for Approval of Details Reserved by Condition 4 of application BH2015/01783.

**Applicant:** McLaren (106 Lewes Road) Ltd

**Officer:** Mick Anson 292354

**Approved on 08/06/16 DELEGATED**

**BH2016/01055**

**32 Roundhill Crescent Brighton**

Installation of 2no rooflights to front elevation.

**Applicant:** Ms Marion Hamilton

**Officer:** Wayne Nee 292132

**Refused on 19/05/16 DELEGATED**

**BH2016/01083**

**20 Tidy Street Brighton**

Certificate of lawfulness for proposed installation of 2no rooflights to rear elevation.

**Applicant:** Mr Joseph Gallagher

**Officer:** Ross O'Ceallaigh 293817

**Approved on 17/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01165**

**Brighton Station Queens Road Brighton**

Installation of 2no additional ticket vending machines to station concourse.

**Applicant:** Govia Thameslink Railway

**Officer:** Ross O'Ceallaigh 293817

**Approved on 08/06/16 DELEGATED**

**BH2016/01268**

**Basement and Ground Floor Flats 5 St Georges Place Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2015/01785.

**Applicant:** Mr Rob Darling

**Officer:** Mark Dennett 292321

**Approved on 23/05/16 DELEGATED**

**BH2016/01329**

**Basement and Ground Floor 5 St Georges Place Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2015/01785.

**Applicant:** Rob Darling

**Officer:** Liz Arnold 291709

**Approved on 19/05/16 DELEGATED**

**WITHDEAN**

**BH2015/04074**

**Block D Kingsmere London Road Brighton**

Application for variation of condition 2 on application BH2015/01454 (Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens) to create 2no two bedroom flats instead of the 2no one bedroom flats approved, with alterations including increase to size of extension and amendments to fenestration.

**Applicant:** Anstone Properties Ltd

**Officer:** Kate Brocklebank 292454

**Approved on 31/05/16 DELEGATED**

**BH2015/04297**

**Media House 26 North Road Brighton**

Variation of condition 4 of application BH2015/00544 (Alterations to main building to facilitate the conversion from office/general industrial (B1/B2) to form 3no. residential dwellings (C3). Extension to secondary building (The Coach House) to provide additional office space (B1) revised fenestration and associated works) to state the hereby approved residential development shall not be occupied until the commercial building has been made available for occupation as office accommodation (within use class B1(a)) in accordance with the approved drawings.

**Applicant:** Stonechris Properties Ltd

**Officer:** Helen Hobbs 293335

**Refused on 01/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2015/04424**

**308 Dyke Road Brighton**

Erection of three bedroom residential dwelling with associated parking and landscaping to replace existing garages.

**Applicant:** Mr Jonathan Stern

**Officer:** Mark Thomas 292336

**Refused on 17/05/16 DELEGATED**

**BH2016/00173**

**3 Knoyle Road Brighton**

Replacement of roof to yard and garages to the rear.

**Applicant:** Mr Kevin Bush

**Officer:** Laura Hamlyn 292205

**Refused on 23/05/16 DELEGATED**

**BH2016/00596**

**87 Tongdean Lane Brighton**

Non Material Amendment to BH2015/03041 to the insertion of a side external door to the proposed utility room.

**Applicant:** Mrs Adele Lias

**Officer:** Molly McLean 292097

**Refused on 25/05/16 DELEGATED**

**BH2016/00624**

**14 Withdean Road Brighton**

Erection of new detached 5no bedroom dwelling (C3), swimming pool and pool house adjacent to existing house.

**Applicant:** Mr K Pierson

**Officer:** Emily Stanbridge 292359

**Approved on 12/05/16 DELEGATED**

**BH2016/00772**

**18 Clermont Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2015/01979.

**Applicant:** Ms Lesley Hughes

**Officer:** Wayne Nee 292132

**Approved on 18/05/16 DELEGATED**

**BH2016/00822**

**9 Friar Road Brighton**

Erection of two storey extension to side elevation and conversion of garage into habitable space, with associated alterations. (Part retrospective)

**Applicant:** Mr Robert Love

**Officer:** Justine Latemore 292138

**Refused on 12/05/16 DELEGATED**

**BH2016/00910**

**15 Surrenden Crescent Brighton**

Certificate of Lawfulness for proposed two storey extension to side and rear elevations.

**Applicant:** Mr R Smith

**Officer:** Ross O'Ceallaigh 293817

Report from 12/05/2016 to 08/06/2016

**Refused on 13/05/16 DELEGATED**

**BH2016/00914**

**10 Hampstead Road Brighton**

Erection of single storey rear extension and creation of cycle storage to side.

**Applicant:** Mr I Campbell

**Officer:** Luke Austin 294495

**Approved on 26/05/16 DELEGATED**

**BH2016/00938**

**First Floor Flat 23 Compton Road Brighton**

Installation of rear dormers and front rooflight.

**Applicant:** Anthony Wiles

**Officer:** Laura Hamlyn 292205

**Approved on 23/05/16 DELEGATED**

**BH2016/00972**

**32 Clermont Terrace Brighton**

Erection of glasshouse in rear garden.

**Applicant:** Mr Matthew Fletcher

**Officer:** Molly McLean 292097

**Approved on 01/06/16 DELEGATED**

**BH2016/00996**

**43 Westdene Drive Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and installation of new windows and doors to side and rear elevations.

**Applicant:** Mr S Garrett

**Officer:** Molly McLean 292097

**Approved on 26/05/16 DELEGATED**

**BH2016/01014**

**Flat 2 19 Compton Road Brighton**

Installation of 2no rear rooflights.

**Applicant:** Ms Suzanne Farrell

**Officer:** Justine Latemore 292138

**Approved on 16/05/16 DELEGATED**

**BH2016/01032**

**6 Whittingehame Gardens Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer with Juliet balcony and window.

**Applicant:** Mrs Gina Moran

**Officer:** Ross O'Ceallaigh 293817

**Approved on 18/05/16 DELEGATED**

**BH2016/01051**

**1 Varndean Holt Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Mr John Skinner

**Officer:** Ross O'Ceallaigh 293817

**Refused on 26/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01098**

**70 Redhill Drive Brighton**

Non Material Amendment to BH2014/00254 for revised upper ground floor side windows to a side window and access door and the lower ground floor extension to be reduced in size, with amendments to south facing glazing arrangement.

**Applicant:** Mr Trevor Dodsworth

**Officer:** Joanne Doyle 292198

**Approved on 03/06/16 DELEGATED**

**BH2016/01112**

**8 Friar Crescent Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front and rear rooflights and new windows to front and side elevations.

**Applicant:** Mrs Sue Woolford

**Officer:** Ross O'Ceallaigh 293817

**Approved on 17/05/16 DELEGATED**

**BH2016/01132**

**42 Withdean Crescent Brighton**

Erection of single storey rear extension.

**Applicant:** Mr P Mottram

**Officer:** Justine Latemore 292138

**Approved on 31/05/16 DELEGATED**

**BH2016/01173**

**3 Wayland Avenue Brighton**

Erection of single storey front extension and revised fenestration.

**Applicant:** Mr Malcolm Leeming

**Officer:** Clare Flowers 290443

**Approved on 06/06/16 DELEGATED**

**EAST BRIGHTON**

**BH2015/02446**

**7 Chichester Terrace Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2015/00641

**Applicant:** Sir Anthony Seldon

**Officer:** Luke Austin 294495

**Approved on 23/05/16 DELEGATED**

**BH2016/00227**

**Rear Studio 13 Chesham Place Brighton**

Certificate of lawfulness for existing use as a studio flat (C3).

**Applicant:** Mr James John Proctor

**Officer:** Mark Dennett 292321

**Approved on 16/05/16 DELEGATED**

**BH2016/00790**

**63 Findon Road Brighton**

Erection of one storey, two bedroom dwelling (C3) at rear with associated landscaping.

Report from 12/05/2016 to 08/06/2016



**Applicant:** Ana Bonnet  
**Officer:** Chris Swain 292178  
**Refused on 25/05/16 DELEGATED**

**BH2016/00839**

**93 Maresfield Road Brighton**

Erection of single storey and two storey rear extension with revised fenestration.

**Applicant:** Mr P Conrad  
**Officer:** Charlotte Bush 292193  
**Refused on 27/05/16 DELEGATED**

**BH2016/00923**

**7 Court Royal Mansions 1 Eastern Terrace Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2015/00993.

**Applicant:** Mr Kim Gordon  
**Officer:** Wayne Nee 292132  
**Approved on 12/05/16 DELEGATED**

**BH2016/00924**

**7 Court Royal Mansions Eastern Terrace Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2015/00992.

**Applicant:** Mr Kim Gordon  
**Officer:** Wayne Nee 292132  
**Approved on 13/05/16 DELEGATED**

**BH2016/01071**

**Flat 6 Chesham Mansions 25-27 Eaton Place Brighton**

Replacement of existing timber window & door with UPVC.

**Applicant:** Mr Jack Jones  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 07/06/16 DELEGATED**

**BH2016/01095**

**49 Findon Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mr Charlie Kwan  
**Officer:** Molly McLean 292097  
**Prior Approval is required and is refused on 17/05/16 DELEGATED**

31/03/2016

**BH2016/01231**

**32 Chesham Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2015/03662.

**Applicant:** Mr Ian Dunkerton  
**Officer:** Rebecca Fry 293773  
**Approved on 08/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01443**

**Flat 5 7 Chichester Terrace Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2015/00640.

**Applicant:** Sir Anthony Seldon

**Officer:** Luke Austin 294495

**Approved on 27/05/16 DELEGATED**

**HANOVER & ELM GROVE**

**BH2016/00084**

**32 Melbourne Street Brighton**

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

**Applicant:** Mr Gordon Chladek

**Officer:** Chris Swain 292178

**Approved on 31/05/16 DELEGATED**

**BH2016/00305**

**40 Pankhurst Avenue Brighton**

Proposed loft conversion with hip to gable roof extension, rear dormer and 2no. front rooflights. Window to side elevation and single storey extension to rear.

**Applicant:** Mrs Miranda Coppock

**Officer:** Chris Swain 292178

**Approved on 06/06/16 DELEGATED**

**BH2016/00501**

**Flat A 22 Wellington Road Brighton**

Erection of rear extension at second floor level and front and rear rooflights.

**Applicant:** Ms Orly Klein

**Officer:** Luke Austin 294495

**Refused on 02/06/16 DELEGATED**

**BH2016/00999**

**238 Elm Grove Brighton**

Demolition of existing outbuildings and erection a two storey two bedroom detached dwelling (C3) accessed from Hallett Road.

**Applicant:** Brighton Builds LLP

**Officer:** Stewart Glassar 292153

**Refused on 07/06/16 DELEGATED**

**BH2016/01042**

**25 Sandown Road Brighton**

Roof extension incorporating increase to ridge height, 2no dormers to rear and rooflights to front and rear.

**Applicant:** Ms Lucy Turner

**Officer:** Charlotte Bush 292193

**Approved on 01/06/16 DELEGATED**

**BH2016/01123**

**89 Shanklin Road Brighton**

Replacement of existing single glazed wooden windows with double glazed

Report from 12/05/2016 to 08/06/2016

UPVC windows.

**Applicant:** Ms Adelita Rubio  
**Officer:** Charlotte Bush 292193  
**Approved on 08/06/16 DELEGATED**

**BH2016/01181**

**54 Jersey Street Brighton**

Certificate of lawfulness for proposed loft conversion incorporating front rooflight and rear dormer.

**Applicant:** Miss Eleanor Price  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 18/05/16 DELEGATED**

**BH2016/01474**

**109A Whippingham Road Brighton**

Application for Approval of Details Reserved by Conditions 9 (i)(a), 10, 11 and 14 of application BH2015/02529

**Applicant:** Mr Nicholas Soulsby  
**Officer:** Liz Arnold 291709  
**Approved on 06/06/16 DELEGATED**

**BH2016/01484**

**46 Hampden Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.7m, and for which the height of the eaves would be 2.3m.

**Applicant:** Nick Adams  
**Officer:** Laura Hamlyn 292205  
**Prior Approval is required and is refused on 06/06/16 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2015/00905**

**45 & 47 Hollingdean Road Brighton**

Demolition of existing building at 45 Hollingdean Road and construction of 3no storey building to provide 9no. student rooms (Sui Generis). Partial demolition and alterations to 47 Hollingdean Road and change of use to a 2 bedroom dwelling house.

**Applicant:** Protrade Ltd  
**Officer:** Mick Anson 292354  
**Refused on 25/05/16 DELEGATED**

**BH2015/03125**

**2A Forest Road Brighton**

Erection of 1no two storey two bedroom house (C3).

**Applicant:** Daniel Nugent  
**Officer:** Chris Swain 292178  
**Approved on 13/05/16 DELEGATED**

**BH2016/00567**

**11 Roedale Road Brighton**

Conversion of existing six bedroom dwelling into 2no two bedroom maisonettes  
Report from 12/05/2016 to 08/06/2016

(C3).

**Applicant:** Hove Property Ltd  
**Officer:** Mark Thomas 292336  
**Approved on 12/05/16 DELEGATED**

**BH2016/00761**

**3 Highfields Brighton**

Erection of hip to gable roof extension, rear dormer and rooflights to the front elevation.

**Applicant:** Mr W Warren  
**Officer:** Emily Stanbridge 292359  
**Approved on 12/05/16 DELEGATED**

**BH2016/00810**

**44 Hawkhurst Road Brighton**

Change of use from two bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4).

**Applicant:** Mr Ben Bailey  
**Officer:** Chris Swain 292178  
**Refused on 23/05/16 DELEGATED**

**BH2016/01052**

**2 Roedale Road Brighton**

Conversion of existing two storey outbuilding into three storey annexe.

**Applicant:** Mr John Crookes  
**Officer:** Justine Latemore 292138  
**Refused on 19/05/16 DELEGATED**

**BH2016/01406**

**189 Hollingdean Terrace**

Application for Approval of Details Reserved by Condition 2 of application BH2015/01417 (Allowed on **Brighton** Appeal) **BN1 7HF**

**Applicant:** Mr William Mason  
**Officer:** Liz Arnold 291709  
**Approved on 02/06/16 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2016/00040**

**Bingo Hall Fairway Trading Estate Moulsecoomb Way Brighton**

Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level.

**Applicant:** Custom Pharmaceuticals Ltd  
**Officer:** Kate Brocklebank 292454  
**Approved on 17/05/16 COMMITTEE**

**BH2016/00238**

**107 Lewes Road Brighton**

Creation of new entrance on to Lewes Road with access ramp, steps and balustrade.

Report from 12/05/2016 to 08/06/2016

**Applicant:** Go Ahead Group  
**Officer:** Emily Stanbridge 292359  
**Approved on 18/05/16 DELEGATED**

**BH2016/00422**

**48 Norwich Drive Brighton**

Erection of two storey side and rear extension with rear patio and associated alterations to the rear garden levels.

**Applicant:** Mr A Griffin  
**Officer:** Emily Stanbridge 292359  
**Refused on 25/05/16 DELEGATED**

**BH2016/00553**

**25 Wheatfield Way Brighton**

Certificate of lawfulness for the existing use of the property as a small house in multiple occupation (C4).

**Applicant:** Rivers Birtwell  
**Officer:** Chris Swain 292178  
**Approved on 16/05/16 DELEGATED**

**BH2016/00737**

**Brighton Aldridge Community Academy Lewes Road Brighton**

Display of internally-illuminated and non-illuminated fascia signs.

**Applicant:** Mr Richard Lines  
**Officer:** Molly McLean 292097  
**Approved on 01/06/16 DELEGATED**

**BH2016/00829**

**15 Wheatfield Way Brighton**

Replacement of 2no rear rooflights with dormer. Removal of existing rear balcony structure, steps and garage and erection of single storey rear extension with glass balustrade over.

**Applicant:** Mr John Varah  
**Officer:** Charlotte Bush 292193  
**Approved on 23/05/16 DELEGATED**

**BH2016/01108**

**24 Dewe Road Brighton**

Erection of first floor rear extension.

**Applicant:** Mrs M C Cabanas  
**Officer:** Emily Stanbridge 292359  
**Approved on 06/06/16 DELEGATED**

**BH2016/01125**

**37 Southall Avenue Brighton**

Erection of single storey rear extension.

**Applicant:** Mr J Mallett  
**Officer:** Charlotte Bush 292193  
**Refused on 31/05/16 DELEGATED**

**BH2016/01480**

**33 Hillside Brighton**

Prior approval for the erection of a single storey rear extension, which would  
Report from 12/05/2016 to 08/06/2016

extend beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

**Applicant:** Rivers Birtwell

**Officer:** Molly McLean 292097

**Prior Approval is required and is refused on 06/06/16 DELEGATED**

**BH2016/01681**

**122 The Avenue Brighton**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

**Applicant:** Rivers Birtwell

**Officer:** Ayscha Woods 292322

**Prior approval not required on 07/06/16 DELEGATED**

**QUEEN'S PARK**

**BH2015/03183**

**Land to Rear of 14 Devonshire Place Brighton**

Erection of 1no two bedroom dwelling (C3) on land to rear of 14 Devonshire Place fronting Chapel Street.

**Applicant:** Little Fuff 3 Ltd

**Officer:** Sonia Gillam 292265

**Approved on 13/05/16 DELEGATED**

**BH2015/04229**

**113 Marine Parade Brighton**

Internal alterations to layout to facilitate conversion of existing property from 3no flats (C3) to 1no one bedroom flat and 1no five bedroom maisonette (C3) with replacement of existing timber French doors with timber sash windows to the front elevation (part retrospective).

**Applicant:** Mr Ian Teasdale

**Officer:** Chris Swain 292178

**Approved on 23/05/16 DELEGATED**

**BH2015/04547**

**33 Mighell Street and 70a Carlton Hill Brighton**

Application for Approval of Details Reserved by Conditions 10, 11(i)(a)(b) & (c), 14, 15, 16 and 22 of application BH2012/04086.

**Applicant:** Mr Philip Blount

**Officer:** Liz Arnold 291709

**Approved on 16/05/16 DELEGATED**

**BH2016/00033**

**11 Dawson Terrace Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). (Retrospective)

**Applicant:** Mr Neil Jenner

**Officer:** Chris Swain 292178

**Approved on 12/05/16 DELEGATED**

**BH2016/00393**

Report from 12/05/2016 to 08/06/2016

**30 West Drive Brighton**

Change of use from offices (B1) to 2no two bedroom flats (C3) at first floor level.

**Applicant:** Godfrey Investments Ltd

**Officer:** Mark Dennett 292321

**Approved on 25/05/16 DELEGATED**

**BH2016/00394**

**30 West Drive Brighton**

Change of use from offices (B1) to 2no two bedroom flats (C3) at first floor level.

**Applicant:** Godfrey Investments Ltd

**Officer:** Mark Dennett 292321

**Approved on 25/05/16 DELEGATED**

**BH2016/00535**

**102 Marine Parade Brighton**

Erection of storage shed to front garden.

**Applicant:** Mr Paul Mans

**Officer:** Justine Latemore 292138

**Approved on 26/05/16 DELEGATED**

**BH2016/00643**

**42 & Part of 40 & 44 Hendon Street Brighton**

Erection of roof extension to the rear elevation, with sliding timber solar screens.

Installation of rooflights to front elevation.

**Applicant:** Mr Tim Jukes & Mrs April Williams

**Officer:** Charlotte Bush 292193

**Refused on 16/05/16 DELEGATED**

**BH2016/00805**

**20 College Road Brighton**

Erection of single storey rear extension with rooflights, installation of 2no rooflights to front elevation, 2no dormers to rear elevation and removal of rear steel ladder.

**Applicant:** Mr Tim Nagle

**Officer:** Charlotte Bush 292193

**Approved on 13/05/16 DELEGATED**

**BH2016/00879**

**11 George Street Brighton**

Change of use from hairdressers (A1) to nail salon (Sui Generis). (Retrospective)

**Applicant:** Peter Pimley

**Officer:** Stewart Glassar 292153

**Approved on 17/05/16 DELEGATED**

**BH2016/01120**

**23 Egremont Place Brighton**

Loft conversion incorporating front rooflight and rear dormers to create 1no self-contained studio flat (C3).

**Applicant:** 01 Property Investment Ltd

**Officer:** Luke Austin 294495

**Refused on 06/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01128**

**9a Bristol Road Brighton**

Erection of second and third floor levels to facilitate creation of 1 no two bedroom maisonette with front roof terrace at second floor level. Formation of roof terrace to rear at first floor level.

**Applicant:** Mr Stewart Gray

**Officer:** Clare Flowers 290443

**Approved on 27/05/16 DELEGATED**

**BH2016/01263**

**Carlton Hill Primary School Sussex Street Brighton**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2016/00150.

**Applicant:** Mrs Amy Hoey

**Officer:** Stewart Glassar 292153

**Approved on 02/06/16 DELEGATED**

**ROTTINGDEAN COASTAL**

**BH2015/04610**

**The Small House 40A Sussex Square Brighton**

Creation of basement level utilising existing vaults beneath the rear garden, new steps to garden level with glazed entrance and associated landscaping including dismantling and rebuilding of southerly facing historic garden wall. Replacement of existing UPVC windows with timber sash windows (amended description).

**Applicant:** Mr Ian Barr

**Officer:** Stewart Glassar 292153

**Approved on 06/06/16 DELEGATED**

**BH2015/04611**

**The Small House 40A Sussex Square Brighton**

Creation of basement level utilising existing vaults beneath the rear garden, new steps to garden level with glazed entrance and associated landscaping including dismantling and rebuilding of southerly facing historic garden wall. Replacement of existing UPVC windows with timber sash windows (amended description).

**Applicant:** Mr Ian Barr

**Officer:** Stewart Glassar 292153

**Approved on 06/06/16 DELEGATED**

**BH2015/04646**

**8 Roedean Terrace Brighton**

Planning permission is sought for the erection of a front extension incorporating alterations to the fenestration including the installation of Juliet balconies. In addition permission is sought for the conversion of the existing garage into ancillary accommodation with external alterations and rear extension.

**Applicant:** Mr & Mrs Dubiner

**Officer:** Emily Stanbridge 292359

**Approved on 17/05/16 COMMITTEE**

**BH2016/00164**

**1 Abbotsbury Close Saltdean Brighton**

Report from 12/05/2016 to 08/06/2016



Conversion of existing house into 1no one bedroom flat and 1no three bedroom maisonette (C3) with creation of bike and bin store to rear, raised walkway at first floor level and replacement of rear window at ground floor level (part retrospective).

**Applicant:** Mr J Edwards

**Officer:** Chris Swain 292178

**Refused on 12/05/16 DELEGATED**

**BH2016/00353**

**6 Royles Close Rottingdean Brighton**

Remodelling of existing bungalow to form a two storey house incorporating erection of ground and first floor extensions to front and rear elevations and associated alterations.

**Applicant:** Mr Kevin Prince

**Officer:** Emily Stanbridge 292359

**Approved on 25/05/16 DELEGATED**

**BH2016/00523**

**1 Abbotsbury Close Saltdean Brighton**

Certificate of Lawfulness for change of use from a single residential dwelling (C3) to a single small house in multiple occupation. (C4)

**Applicant:** Mr J Edwards

**Officer:** Chris Swain 292178

**Approved on 23/05/16 DELEGATED**

**BH2016/00671**

**12 - 14 High Street Brighton**

Change of use from indoor sports (D2) to retail/professional services (A1/A2).

**Applicant:** St Margarets Court (Rottingdean) Ltd

**Officer:** Stewart Glassar 292153

**Approved on 12/05/16 DELEGATED**

**BH2016/00870**

**23 Saltdean Drive Saltdean Brighton**

Erection of single storey rear extension and erection of two storey side extension.

**Applicant:** Mr Ewan Topping

**Officer:** Allison Palmer 290493

**Approved on 26/05/16 DELEGATED**

**BH2016/00887**

**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for Approval of Details Reserved by condition 36 of application BH2015/04435 in relation to **Marina Brighton** unit 3 of Phase 1.

**Applicant:** West Quay Development Co Partnership LLP

**Officer:** Sarah Collins 292232

**Approved on 16/05/16 DELEGATED**

**BH2016/00888**

**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for Approval of Details Reserved by Condition 36 of application

Report from 12/05/2016 to 08/06/2016

BH2015/04435, in relation to **Marina Brighton** unit 6 of Phase 1.

**Applicant:** West Quay Development Co Partnership LLP

**Officer:** Sarah Collins 292232

**Approved on 12/05/16 DELEGATED**

**BH2016/01037**

**14 Church Place Brighton**

Enlargement of existing internal fireplace opening.

**Applicant:** Miss Karen Keene

**Officer:** Tim Jefferies 293152

**Approved on 16/05/16 DELEGATED**

**BH2016/01041**

**99 Dean Court Road Rottingdean Brighton**

Remodelling of existing dwelling including increased roof height to create first floor level incorporating two dormers to front elevation and one rear dormer. Alterations to front elevation including new door, steps and bay windows. Single storey rear extension with rooflight and new enlarged garage to replace existing.

**Applicant:** Katie Lincoln & Ryan Smith

**Officer:** Justine Latemore 292138

**Approved on 17/05/16 DELEGATED**

**BH2016/01081**

**65 Westfield Avenue North Saltdean Brighton**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 3m.

**Applicant:** Mr Mark Bird

**Officer:** Justine Latemore 292138

**Prior approval not required on 16/05/16 DELEGATED**

**BH2016/01116**

**65 Westfield Avenue North Saltdean Brighton**

Certificate of Lawfulness for proposed gated lean to, to side elevation and installation of rear dormer and front rooflight.

**Applicant:** Mr and Mrs Mark & Louise Bird

**Officer:** Justine Latemore 292138

**Approved on 24/05/16 DELEGATED**

**BH2016/01118**

**39-40 Arundel Place Brighton**

Application for Approval of Details Reserved by Condition 18 of application BH2013/04197.

**Applicant:** Creative Developments Ltd

**Officer:** Mark Dennett 292321

**Approved on 23/05/16 DELEGATED**

**BH2016/01153**

**43 Gorham Avenue Rottingdean Brighton**

Erection of single storey rear extension and front porch and other associated  
Report from 12/05/2016 to 08/06/2016

works.

**Applicant:** Mr David Calderhead  
**Officer:** Justine Latemore 292138  
**Approved on 01/06/16 DELEGATED**

**BH2016/01172**

**Longhill School Falmer Road Brighton**

Replacement of timber single glazed curtain walling, windows and doors with aluminium double glazed units to library and assembly hall.

**Applicant:** Brighton & Hove City Council  
**Officer:** Justine Latemore 292138  
**Approved on 01/06/16 DELEGATED**

**BH2016/01189**

**57 Meadow Close Rottingdean**

Roof alterations including hip to barn end roof extension, dormer and rooflight to front elevation and erection of single storey side and rear extensions.

**Applicant:** Mr Rob Stevens & Keiran Fitsall  
**Officer:** Molly McLean 292097  
**Approved on 01/06/16 DELEGATED**

**BH2016/01197**

**57 Meadow Close Rottingdean Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to barn end roof extension with rear dormer and side windows.

**Applicant:** Mr Rob Stevens & Keiran Fitsall  
**Officer:** Molly McLean 292097  
**Approved on 23/05/16 DELEGATED**

**BH2016/01210**

**36 Nevill Road Rottingdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

**Applicant:** Mr N Bowering  
**Officer:** Molly McLean 292097  
**Prior Approval is required and is refused on 20/05/16 DELEGATED**

**BH2016/01215**

**60 Wanderdown Road Brighton**

Erection of extension to existing front garage and landscaping works to front garden.

**Applicant:** Mr David Harding  
**Officer:** Justine Latemore 292138  
**Refused on 08/06/16 DELEGATED**

**BH2016/01243**

**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for Approval of Details Reserved by Conditions 35 and 37 of Application BH2015/04435, in relation to unit 3 of Phase 1.

**Applicant:** West Quay Development Co Partnership LLP  
**Officer:** Sarah Collins 292232

Report from 12/05/2016 to 08/06/2016

**Approved on 20/05/16 DELEGATED**

**BH2016/01244**

**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for Approval of Details Reserved by Conditions 35 and 37 of application BH2015/04435, in relation to unit 6 of Phase 1.

**Applicant:** West Quay Development Co Partnership LLP

**Officer:** Sarah Collins 292232

**Approved on 20/05/16 DELEGATED**

**BH2016/01287**

**4 Meadow Parade Rottingdean Brighton**

Revised fenestration to rear elevation.

**Applicant:** Mr Keith Wakeham

**Officer:** Charlotte Bush 292193

**Approved on 08/06/16 DELEGATED**

**BH2016/01341**

**Land at Brighton Marina comprising Outer Harbour, West Quay and adjoining land**

Non Material Amendment to BH2015/04435 to extend and reconfigure Plot 104, The Boardwalk, Brighton Marina, and relocate PV modules to Levels 09 and 10.

**Applicant:** St Johns (Southern) Ltd

**Officer:** Sarah Collins 292232

**Approved on 13/05/16 DELEGATED**

**WOODINGDEAN**

**BH2015/03521**

**Land West of 13 Dudwell Road Brighton**

Erection of 2no three bedroom semi-detached two storey houses (C3).

**Applicant:** Mr J Edwards

**Officer:** Chris Swain 292178

**Approved on 13/05/16 COMMITTEE**

**BH2015/03612**

**35 Crescent Drive North Brighton**

Demolition of existing bungalow and erection of 2no four bedroom houses (C3) with associated off street parking and landscaping.

**Applicant:** Mr Gordon Hall

**Officer:** Rebecca Fry 293773

**Approved on 26/05/16 DELEGATED**

**BH2016/00746**

**116 Downs Valley Road Brighton**

Erection of a two storey side extension to form annex.

**Applicant:** Mr Jinod Bungaroo

**Officer:** Justine Latemore 292138

**Refused on 27/05/16 DELEGATED**

**BH2016/00843**

**24 Balsdean Road Brighton**

Certificate of lawfulness for proposed erection of single storey side extension,

Report from 12/05/2016 to 08/06/2016

side dormers and additional rooflights and erection of single storey detached outbuilding.

**Applicant:** Mr Matthew Savill  
**Officer:** Molly McLean 292097  
**Split Decision on 06/06/16 DELEGATED**

**BH2016/01021**

**41 Cowley Drive Brighton**

Demolition of existing garage and erection of two storey side extension including widening of existing vehicle crossover.

**Applicant:** Mr Alex McCarthy  
**Officer:** Justine Latemore 292138  
**Approved on 23/05/16 DELEGATED**

**BH2016/01024**

**68 Balsdean Road Brighton**

Removal of existing garage in rear garden and replacement with single storey garden room.

**Applicant:** Mr Keith Herd  
**Officer:** Justine Latemore 292138  
**Approved on 19/05/16 DELEGATED**

**BH2016/01076**

**90 Downs Valley Road Brighton**

Demolition of existing garage and erection of single storey side extension.

**Applicant:** Mr John Smith  
**Officer:** Justine Latemore 292138  
**Approved on 19/05/16 DELEGATED**

**BH2016/01275**

**555 Falmer Road Brighton**

Erection of single storey front and rear extensions (Part-retrospective).

**Applicant:** Mr Farr  
**Officer:** Justine Latemore 292138  
**Approved on 08/06/16 DELEGATED**

**BH2016/01277**

**108 Kipling Avenue Brighton**

Erection of two storey side extension and single storey rear extension.

**Applicant:** Ms Eva Doggett  
**Officer:** Justine Latemore 292138  
**Approved on 08/06/16 DELEGATED**

**BRUNSWICK AND ADELAIDE**

**BH2016/00286**

**70 Brunswick Place Hove**

Demolition of existing store room and other associated works to the rear at first floor level.

**Applicant:** Brunswick Place (Hove) Ltd  
**Officer:** Laura Hamlyn 292205

Report from 12/05/2016 to 08/06/2016

**Approved on 13/05/16 DELEGATED**

**BH2016/00287**

**70 Brunswick Place Hove**

Demolition of existing store room and other associated works to the rear first floor level.

**Applicant:** Brunswick Place (Hove) Ltd

**Officer:** Laura Hamlyn 292205

**Approved on 13/05/16 DELEGATED**

**BH2016/00919**

**Flat 5 2 Brunswick Square Hove**

Replacement of existing timber casement window to rear.

**Applicant:** Mr Peter Cosgrove

**Officer:** Ryan OSullivan 290480

**Approved on 23/05/16 DELEGATED**

**BH2016/00920**

**Flat 5 2 Brunswick Square Hove**

Replacement of existing timber casement window to rear.

**Applicant:** Mr Peter Cosgrove

**Officer:** Ryan OSullivan 290480

**Approved on 23/05/16 DELEGATED**

**BH2016/01005**

**Flat 6 14 Palmeira Avenue Hove**

Certificate of lawfulness for existing second floor balcony and balustrade to front elevation.

**Applicant:** Ms Abigail Owen

**Officer:** Ross O'Ceallaigh 293817

**Approved on 16/05/16 DELEGATED**

**BH2016/01009**

**8 Brunswick Square Hove**

Installation of lead capping to rear parapet wall.

**Applicant:** Waterglan

**Officer:** Tim Jefferies 293152

**Approved on 13/05/16 DELEGATED**

**BH2016/01015**

**41 Brunswick Square Hove**

Reinstatement of existing external tiles to front entrance. (Part retrospective)

**Applicant:** Ms Bradford Property Trust C/O Grainger

**Officer:** Tim Jefferies 293152

**Approved on 13/05/16 DELEGATED**

**BH2016/01085**

**Flat 3 33 Brunswick Square Hove**

Internal alterations to layout of flat and installation of UPVC drainage pipe to rear elevation.

**Applicant:** Mr Jon Croker

**Officer:** Tim Jefferies 293152

**Approved on 02/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01089**

**Land to rear of 45 Brunswick Place Hove**

Demolition of garages and erection of 1no two bedroom dwelling (C3).

**Applicant:** Mr Joe Knoblauch

**Officer:** Helen Hobbs 293335

**Refused on 18/05/16 DELEGATED**

**BH2016/01097**

**Flat 3 33 Brunswick Square Hove**

Installation of UPVC drainage pipe to rear elevation.

**Applicant:** Mr Jon Croker

**Officer:** Tim Jefferies 293152

**Approved on 23/05/16 DELEGATED**

**CENTRAL HOVE**

**BH2016/00472**

**125 Church Road Hove**

Display of 2no internally illuminated fascia signs and 2no internally illuminated projecting signs.

**Applicant:** HSBC

**Officer:** Ryan OSullivan 290480

**Approved on 26/05/16 DELEGATED**

**BH2016/00536**

**9 Osborne Villas Hove**

Replacement UPVC double glazed windows to rear and side.

**Applicant:** Mrs Melanie Lyons

**Officer:** Ryan OSullivan 290480

**Refused on 18/05/16 DELEGATED**

**BH2016/00844**

**3 Hove Street Hove**

Certificate of lawfulness for existing use of premises as a guest house (C1).

**Applicant:** The Ginger Pig

**Officer:** Charlotte Bush 292193

**Refused on 23/05/16 DELEGATED**

**BH2016/00875**

**30 Brooker Street Hove**

Erection of a single storey rear extension.

**Applicant:** Mr & Mrs Paul & Trudi Ford-Hutchison

**Officer:** Gareth Giles 293334

**Approved on 17/05/16 DELEGATED**

**BH2016/00941**

**1 Little Courtenay 7 Courtenay Terrace Hove**

Replacement of existing external front door and store door.

**Applicant:** Mr Jeremy Farrow

**Officer:** Ross O'Ceallaigh 293817

**Approved on 25/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/00975**

**108 Goldstone Road Hove**

Conversion of existing rear garage/storage building to form 1 no two bedroom dwelling (C3) with associated alterations incorporating formation of courtyard, erection of front porch and installation of rooflights.

**Applicant:** Mr Thomas Kozdon

**Officer:** Wayne Nee 292132

**Approved on 31/05/16 DELEGATED**

**BH2016/01191**

**6 Brooker Street Hove**

Certificate of lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Mr & Mrs Bayliss

**Officer:** Ross O'Ceallaigh 293817

**Approved on 18/05/16 DELEGATED**

**GOLDSMID**

**BH2015/04079**

**Unit 1 Hove Business Centre Fonthill Road Hove**

Change of use of ground floor from gymnasium (D2) to office (B1).

**Applicant:** Pearl and Coutts

**Officer:** Wayne Nee 292132

**Approved on 13/05/16 DELEGATED**

**BH2015/04644**

**Gateways Highdown Road Hove**

Demolition of garage and erection of single storey front, side and rear extension, alterations to the front boundary wall.

**Applicant:** Mr & Mrs A Peel

**Officer:** Laura Hamlyn 292205

**Refused on 20/05/16 DELEGATED**

**BH2015/04674**

**St Michaels Lodge Lansdowne Road Hove**

Internal and external alterations including roof alterations, installation of cast iron guttering and down pipes to replace existing, alterations to windows and doors, installation of a rain-screen to first floor south facing wall, wall insulation, addition of metal walkways over swimming pool and associated works. Reduction of ground level along north wall of Lodge.(Part retrospective).

**Applicant:** Mr Tony Evans

**Officer:** Stewart Glassar 292153

**Approved on 02/06/16 DELEGATED**

**BH2015/04675**

**St Michaels Lodge Lansdowne Road Hove**

External alterations including roof alterations, installation of cast iron guttering and down pipes to replace existing, alterations to windows and doors, installation of a rain-screen to first floor south facing wall, addition of metal walkways over swimming pool and associated works. Reduction of ground level along north wall

Report from 12/05/2016 to 08/06/2016



of Lodge. (Part Retrospective).

**Applicant:** Mr Tony Evans

**Officer:** Stewart Glassar 292153

**Approved on 02/06/16 DELEGATED**

**BH2016/00021**

**Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road Hove**

Alterations to lift motor rooms including raising roof height by 600mm. Installation of UPVC framed doors and installation of external smoke vents. General repair and decoration works.

**Applicant:** Mrs Gill Thompson

**Officer:** Jonathan Puplett 292525

**Approved on 18/05/16 COMMITTEE**

**BH2016/00225**

**Flat 1 63 The Drive Hove**

Conversion of existing 1no two bedroom flat into 2no one bedroom flats.

**Applicant:** Mr Dan Fox

**Officer:** Joanne Doyle 292198

**Refused on 20/05/16 DELEGATED**

**BH2016/00226**

**Flat 1 63 The Drive Hove**

Internal alterations to facilitate conversion of existing 1no two bedroom flat into 2no one bedroom flats.

**Applicant:** Mr Dan Fox

**Officer:** Joanne Doyle 292198

**Approved on 20/05/16 DELEGATED**

**BH2016/00645**

**12 Nizells Avenue Hove**

Demolition of existing garage and replacement with new garage and single storey rear extension with rooflights. Alterations to front boundary including widening of existing crossover, relocation of brick pier and new railings.

**Applicant:** Mr Gerry Walden

**Officer:** Luke Austin 294495

**Approved on 13/05/16 DELEGATED**

**BH2016/00785**

**Flat 1 15 Cissbury Road Hove**

Erection of single storey rear extension.

**Applicant:** Ms Mitzi David

**Officer:** Joanne Doyle 292198

**Approved on 12/05/16 DELEGATED**

**BH2016/00806**

**121-123 Davigdor Road Hove**

Application for Approval of Details Reserved by Condition 17 of application BH2015/02917.

**Applicant:** Crest Nicholson South

**Officer:** Adrian Smith 290478

**Approved on 16/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/00809**

**First Floor Flat 60 Lyndhurst Road and 62 Lyndhurst Road Hove**

Roof alterations incorporating rear dormers and rooflights to front and rear roof slopes.

**Applicant:** Mr Samuel Sharpe

**Officer:** Joanne Doyle 292198

**Refused on 12/05/16 DELEGATED**

**BH2016/00874**

**Basement Flat 27 Cromwell Road Hove**

Replacement of existing single glazed timber window with double glazed timber window to front elevation. (Retrospective)

**Applicant:** Mr Antonio Montilla

**Officer:** Charlotte Bush 292193

**Approved on 08/06/16 DELEGATED**

**BH2016/00918**

**121-123 Davigdor Road Hove**

Application for Approval of Details Reserved by Condition 12 of application BH2015/02917.

**Applicant:** Crest Nicholson South

**Officer:** Adrian Smith 290478

**Approved on 25/05/16 DELEGATED**

**BH2016/00957**

**Flat 5 61 - 63 Wilbury Road Hove**

Alterations to undercroft incorporating replacement of existing window with new door.

**Applicant:** Mr Gerald Wicks

**Officer:** Ryan OSullivan 290480

**Approved on 02/06/16 DELEGATED**

**BH2016/00975**

**108 Goldstone Road Hove**

Conversion of existing rear garage/storage building to form 1no two bedroom dwelling (C3) with associated alterations incorporating formation of courtyard, erection of front porch and installation of rooflights.

**Applicant:** Mr Thomas Kozdon

**Officer:** Wayne Nee 292132

**Approved on 31/05/16 DELEGATED**

**BH2016/00982**

**Holy Trinity Church Blatchington Road Hove**

Installation of double glazed aluminium windows behind arched window openings to North and South elevations in association with conversion of church into medical practice.

**Applicant:** Medical Centre Developments (GB) Ltd

**Officer:** Wayne Nee 292132

**Approved on 12/05/16 DELEGATED**

**BH2016/01016**

**Holy Trinity Church Blatchington Road Hove**

Report from 12/05/2016 to 08/06/2016

Non Material Amendment to BH2014/04360 to change the approved proposed window heads from arched to straight.

**Applicant:** Medical Centre Developments (GB) Ltd

**Officer:** Wayne Nee 292132

**Approved on 18/05/16 DELEGATED**

**BH2016/01026**

**17 Wilbury Gardens Hove**

Certificate of lawfulness for proposed single storey rear extension and enlargement of existing rear dormer.

**Applicant:** Mr & Mrs Charles Gould

**Officer:** Ross O'Ceallaigh 293817

**Approved on 16/05/16 DELEGATED**

**BH2016/01044**

**Lower Ground Floor Flat 61 Goldstone Villas Hove**

Erection of single storey rear infill extension with rooflight and excavation for retaining wall . Removal of existing fire escape/stairs and revised fenestration.

**Applicant:** Ms Anna Beardsmore

**Officer:** Ryan O'Sullivan 290480

**Approved on 26/05/16 DELEGATED**

**BH2016/01134**

**Hove Station Goldstone Villas Hove**

Installation of new ticket vending machine to front of station.

**Applicant:** Govia Thameslink Railway

**Officer:** Ross O'Ceallaigh 293817

**Approved on 08/06/16 DELEGATED**

**BH2016/01167**

**121-123 Davigdor Road Hove**

Application for Approval of Details Reserved by Condition 13 (i) of Application BH2015/02917

**Applicant:** Mrs J Sparkes

**Officer:** Adrian Smith 290478

**Approved on 19/05/16 DELEGATED**

**BH2016/01258**

**24 Wilbury Villas Hove**

Certificate of lawfulness for proposed removal of front second floor window and installation of 3no timber sliding sash windows.

**Applicant:** Mr John Warner

**Officer:** Ross O'Ceallaigh 293817

**Approved on 06/06/16 DELEGATED**

**BH2016/01351**

**54 Newtown Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and front rooflight.

**Applicant:** Mr David Lawrence

**Officer:** Ross O'Ceallaigh 293817

**Approved on 06/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

## **HANGLETON & KNOLL**

### **BH2016/01049**

#### **Hove Medical Centre West Way Hove**

Roof alterations incorporating hip to gable roof extensions to North, South and West elevations with new windows and rooflights. New front entrance and erection of a single storey extension to North elevation.

**Applicant:** Dr Kenneth Ikhide

**Officer:** Emily Stanbridge 292359

**Approved on 27/05/16 DELEGATED**

### **BH2016/01074**

#### **39 Clarke Avenue Hove**

Certificate of lawfulness for a proposed development of a single storey rear extension with rooflights and hip to gable roof extension incorporating rear dormer and front rooflights.

**Applicant:** Mr S Alam

**Officer:** Laura Hamlyn 292205

**Split Decision on 06/06/16 DELEGATED**

### **BH2016/01079**

#### **15 Gladys Road Hove**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.025m, and for which the height of the eaves would be 2.950m.

**Applicant:** Carly Houston

**Officer:** Ross O'Ceallaigh 293817

**Prior Approval is required and is refused on 20/05/16 DELEGATED**

### **BH2016/01483**

#### **13 Lark Hill Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.10m, and for which the height of the eaves would be 2.56m.

**Applicant:** Simon Corrie

**Officer:** Laura Hamlyn 292205

**Prior approval not required on 06/06/16 DELEGATED**

## **NORTH PORTSLADE**

### **BH2015/04564**

#### **Mile Oak Inn Mile Oak Road Portslade**

Erection of single storey side extension and erection of retail unit (A1) adjoining existing public house (A4).

**Applicant:** Punch Partnerships PTL Ltd

**Officer:** Adrian Smith 290478

**Approved after Section 106 signed on 25/05/16 COMMITTEE**

### **BH2015/04679**

Report from 12/05/2016 to 08/06/2016

**Land To The Rear of 2-8 Rowan Close Portslade**

Erection of 2no. three bedroom detached houses.

**Applicant:** Mr Kenneth Elliott

**Officer:** Stewart Glassar 292153

**Refused on 18/05/16 DELEGATED**

**BH2016/01113**

**2 Brackenbury Close Portslade**

Erection of first floor side extension and conversion of existing garage into habitable living space including replacement of existing garage door with window.

**Applicant:** Mr Alex Page

**Officer:** Molly McLean 292097

**Approved on 26/05/16 DELEGATED**

**SOUTH PORTSLADE**

**BH2016/00178**

**5 Station Road Portslade**

Erection of timber decking to front and installation of awning to replace existing.

**Applicant:** Subway Realty Ltd

**Officer:** Laura Hamlyn 292205

**Approved on 01/06/16 DELEGATED**

**BH2016/00830**

**27 - 29 Links Road Portslade**

Erection of 1no two storey two bedroom dwelling house.

**Applicant:** Dr Alex Khot

**Officer:** Emily Stanbridge 292359

**Refused on 06/06/16 DELEGATED**

**BH2016/00960**

**27 Vale Road Portslade**

Extension of existing front dormer. (Retrospective).

**Applicant:** Mr Ross Murley

**Officer:** Molly McLean 292097

**Refused on 24/05/16 DELEGATED**

**BH2016/01018**

**Dinnages Ford Brighton Victoria Road Portslade**

Display of 21no non-illuminated window vinyls.

**Applicant:** Dinnages Garages Ltd

**Officer:** Sonia Gillam 292265

**Approved on 16/05/16 DELEGATED**

**BH2016/01077**

**16 Park Close Portslade**

Erection of front and rear extensions, removal of existing front dormer and creation of front and rear dormers, alterations to fenestration, creation of front entrance porch and other associated alterations.

**Applicant:** Mr Daniel O'Sulavan

**Officer:** Molly McLean 292097

**Refused on 24/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01253**

**24 Foredown Drive Portslade**

Removal of existing extension and erection of single storey rear extension.

**Applicant:** Ms Karen Clarke

**Officer:** Ayscha Woods 292322

**Approved on 07/06/16 DELEGATED**

**BH2016/01288**

**69 Fairway Crescent Portslade**

Erection of single storey rear extension with raised decking and steps to garden.

**Applicant:** Mr & Mrs Mills

**Officer:** Ayscha Woods 292322

**Refused on 03/06/16 DELEGATED**

**BH2016/01340**

**7 Symbister Road Portslade**

Application for Approval of Details Reserved by Conditions 10, 12 and 15i(b) of application BH2014/01523

**Applicant:** A & F Pilbeam Ltd

**Officer:** Mark Dennett 292321

**Split Decision on 02/06/16 DELEGATED**

**BH2016/01372**

**20 Highlands Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.4m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 3m.

**Applicant:** Craig Denyer

**Officer:** Allison Palmer 290493

**Prior Approval is required and is approved on 23/05/16 DELEGATED**

**BH2016/01380**

**36 Shelldale Avenue Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.512m, and for which the height of the eaves would be 2.865m.

**Applicant:** Romani Raouf Hana

**Officer:** Molly McLean 292097

**Prior approval not required on 27/05/16 DELEGATED**

**BH2016/01650**

**12 Norway Street Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.9m for which the maximum height would be 2.5m, and for which the height of the eaves would be 2.3m.

**Applicant:** Mr P Miller

**Officer:** Molly McLean 292097

**Prior approval not required on 06/06/16 DELEGATED**

**HOVE PARK**

Report from 12/05/2016 to 08/06/2016

**BH2014/03605**

**70 and Site of Chrome Productions Limited Goldstone Lane**

Demolition of existing buildings and redevelopment of site including construction of new part 4no, part 5no and part 6no storey building providing office space (B1) at ground floor level and 59no self contained apartments (C3), incorporating creation of basement car park to provide 41no car parking spaces. Erection of 6no three storey terraced dwelling houses (C3) incorporating provision of 2no car parking spaces per dwelling, landscaping and other associated works.

**Applicant:** Hyde Newbuild

**Officer:** Mick Anson 292354

**Approved on 25/05/16 COMMITTEE**

**BH2015/03252**

**24 Hill Brow Hove**

Enlargement of existing rear patio with glass balustrading, increased ridge height, rear dormers, front rooflights and alterations to fenestration.

**Applicant:** Mr Steve Charman

**Officer:** Luke Austin 294495

**Approved on 17/05/16 COMMITTEE**

**BH2015/04556**

**Gemini Business Centre 136-140 Old Shoreham Road Hove**

Removal of condition 10 of application M/16075/71 (Demolition of existing workshop and erection of two storey building to form an extension of existing offices and workshop) which states that the premises shall not be used for any other purpose other than for light industrial (B1).

**Applicant:** Glenhazel Limited

**Officer:** Wayne Nee 292132

**Approved on 26/05/16 DELEGATED**

**BH2015/04600**

**94 Goldstone Crescent Hove**

Certificate of lawfulness for proposed erection of single storey side and rear extension.

**Applicant:** Mr Sam Bishop

**Officer:** Molly McLean 292097

**Approved on 16/05/16 DELEGATED**

**BH2016/00006**

**98 Shirley Drive Hove**

Erection of single storey rear extension, increased ridge height, rear dormer and balcony, front, rear and side rooflights, and associated works.

**Applicant:** Bassam Hadid

**Officer:** Laura Hamlyn 292205

**Approved on 23/05/16 DELEGATED**

**BH2016/00378**

**1 Orchard Avenue Hove**

Erection of two storey side extension and single storey rear extension.

**Applicant:** Mr Stuart Clark

**Officer:** Emily Stanbridge 292359

**Approved on 17/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/00515**

**102 Shirley Drive Hove**

Application for variation of condition 8 of application BH2015/03044 to permit the installation of aluminium rather than timber windows. Original application BH2014/02775 description was: Demolition of existing garage and erection of 1 no three bedroom detached dwelling.

**Applicant:** Mr Alan Moon

**Officer:** Helen Hobbs 293335

**Approved on 23/05/16 DELEGATED**

**BH2016/00540**

**223 Nevill Road Hove**

Erection of rear extension at basement level with balcony above incorporating privacy screens.

**Applicant:** Mr & Mrs Aggy & Aedin Finn

**Officer:** Laura Hamlyn 292205

**Approved on 20/05/16 DELEGATED**

**BH2016/00558**

**21 Nevill Avenue Hove**

Extension and roof alterations to existing garage to form an ancillary artist studio.

**Applicant:** Mrs Samantha Killeen

**Officer:** Emily Stanbridge 292359

**Refused on 16/05/16 DELEGATED**

**BH2016/00636**

**32 Hove Park Way Hove**

Extension of main roof with double hip to gable ends, front dormer and 3no rear rooflights, revised front fenestration including Juliette balcony and new glass canopy over front entrance.

**Applicant:** Ms Nadine Kell

**Officer:** Clare Flowers 290443

**Refused on 18/05/16 DELEGATED**

**BH2016/00770**

**130 Nevill Road Hove**

Creation of vehicle crossover, excavation to front garden, widening of existing dropped kerb and other associated works.

**Applicant:** Mr Dax Ginn

**Officer:** Emily Stanbridge 292359

**Refused on 18/05/16 DELEGATED**

**BH2016/00801**

**45 Woodland Avenue Hove**

Roof alterations including removal of existing dormer and erection of a part one part two storey rear extension with raised patio and steps to garden level.

**Applicant:** Mr M & Mrs L Hodgson

**Officer:** Molly McLean 292097

**Approved on 18/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016



**BH2016/00838**

**42 Tongdean Road Hove**

Roof alterations incorporating gable end roof extension with juliette balcony to rear, dormers to side elevations and insertion of 3no rooflights. Erection of single storey side extension and associated alterations.

**Applicant:** Mr Matt Simpkin

**Officer:** Molly McLean 292097

**Refused on 03/06/16 DELEGATED**

**BH2016/00841**

**42A Shirley Drive Hove**

Remodelling of existing dwelling including increased roof height to create new first floor level. Creation of roof terrace and juliet balcony to rear. Single storey front extension at lower ground floor level with raised terrace above and side extension at ground floor level. Changes to front boundary including increase of wall height, access steps to the side of dwelling and revised fenestration.

**Applicant:** Ms Sam Pena

**Officer:** Justine Latemore 292138

**Refused on 13/05/16 DELEGATED**

**BH2016/00860**

**17 Hill Drive Hove**

Remodelling of existing bungalow to form a two storey house with garage.

**Applicant:** Mr Jonathan Paxton

**Officer:** Sarah Collins 292232

**Approved on 26/05/16 DELEGATED**

**BH2016/00898**

**4 Barrowfield Close Hove**

Application for Approval of Details Reserved by Condition 16 of application BH2015/00688.

**Applicant:** Mr & Mrs J T Platt

**Officer:** Luke Austin 294495

**Approved on 13/05/16 DELEGATED**

**BH2016/00993**

**31 Landseer Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating insertion of 3no front rooflights and creation of rear dormer.

**Applicant:** Paul Goodey

**Officer:** Ross O'Ceallaigh 293817

**Approved on 18/05/16 DELEGATED**

**BH2016/01028**

**73 Woodland Avenue Hove**

Demolition of existing front porch and construction of new front/side porch extension including rooflights and alterations to front boundary and driveway.

**Applicant:** Mr & Mrs John Pearman

**Officer:** Molly McLean 292097

**Refused on 17/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/01038**

**Homebase 182 Old Shoreham Road Hove**

Certificate of Lawfulness for existing use of the floorspace for any purpose within use class A1.

**Applicant:** LaSalle Investment Management

**Officer:** Helen Hobbs 293335

**Approved on 25/05/16 DELEGATED**

**BH2016/01105**

**301 Dyke Road Hove**

Erection of single and two storey rear extension with rooflights and 3no Juliette balconies.

**Applicant:** Mr & Mrs Saunders

**Officer:** Molly McLean 292097

**Approved on 23/05/16 DELEGATED**

**BH2016/01114**

**1 Mallory Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.00m for which the maximum height would be 3.42m, and for which the height of the eaves would be 2.90m.

**Applicant:** Zubeida Dasgupta

**Officer:** Charlotte Bush 292193

**Prior Approval is required and is approved on 16/05/16 DELEGATED**

**BH2016/01174**

**8 Nevill Way Hove**

Erection of single storey rear extension and raised patio.

**Applicant:** Mr Tony Phillimore

**Officer:** Emily Stanbridge 292359

**Approved on 26/05/16 DELEGATED**

**BH2016/01208**

**8 Mallory Road Hove**

Erection of single storey rear extension, rear conservatory and raised terrace with screening (part retrospective).

**Applicant:** Carlos Enrech

**Officer:** Chris Swain 292178

**Approved on 02/06/16 DELEGATED**

**BH2016/01271**

**9 Shirley Drive Hove**

Removal of existing front dormers to facilitate remodelling of existing dwelling including enlargement of first floor, relocation of chimney and single storey rear extension with rooflights, revised fenestration and associated works.

**Applicant:** Mrs Jessica Balkwill

**Officer:** Laura Hamlyn 292205

**Refused on 08/06/16 DELEGATED**

**WESTBOURNE**

Report from 12/05/2016 to 08/06/2016

**BH2016/00201**

**130 Portland Road Hove**

Erection of timber shed to rear. (Part retrospective)

**Applicant:** Yong-Jie Liu

**Officer:** Ryan OSullivan 290480

**Approved on 16/05/16 DELEGATED**

**BH2016/00600**

**110 Westbourne Street Hove**

Certificate of Lawfulness for existing use as a residential dwelling (C3).

**Applicant:** Ms Julia Gill

**Officer:** Mark Dennett 292321

**Approved on 18/05/16 DELEGATED**

**BH2016/00692**

**127-129 Portland Road Hove**

Change of use from retail (A1) to coffee shop (A1/A3) with external seating.

**Applicant:** Costa Ltd

**Officer:** Wayne Nee 292132

**Approved on 12/05/16 DELEGATED**

**BH2016/00929**

**Channings 215 Kingsway Hove**

Replacement of existing railings and glass screening to the rear.

**Applicant:** Mr Graham Davis

**Officer:** Laura Hamlyn 292205

**Approved on 31/05/16 DELEGATED**

**BH2016/01007**

**41 Byron Street Hove**

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Ms Kirsty Wilson

**Officer:** Ross O'Ceallaigh 293817

**Approved on 17/05/16 DELEGATED**

**BH2016/01218**

**43 Coleridge Street Hove**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer.

**Applicant:** Dr Helen Stewart

**Officer:** Ross O'Ceallaigh 293817

**Approved on 06/06/16 DELEGATED**

**BH2016/01348**

**99 Wordsworth Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.42m for which the maximum height would be 3.7m, and for which the height of the eaves would be 2.758m.

**Applicant:** Paul Cobb & Rebecca Cobb

**Officer:** Ryan OSullivan 290480

**Prior approval not required on 03/06/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

## **WISH**

### **BH2015/04574**

#### **14 Portland Villas Hove**

Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

**Applicant:** Mr and Mrs Emre

**Officer:** Helen Hobbs 293335

**Approved on 17/05/16 COMMITTEE**

### **BH2016/00438**

#### **45 Worcester Villas Hove**

Erection of single storey rear extension.

**Applicant:** Mr Graeme Charles

**Officer:** Molly McLean 292097

**Approved on 26/05/16 DELEGATED**

### **BH2016/00546**

#### **71 St Leonards Gardens Hove**

First floor side extension with pitched roof with solar panels over existing garage and insertion of front and rear rooflights to main roof. Single storey flat sedum roof rear extension with solar panels and rooflights.

**Applicant:** Mr & Mrs Simpson

**Officer:** Molly McLean 292097

**Approved on 25/05/16 DELEGATED**

### **BH2016/00767**

#### **Orchid House 59 Woodhouse Road Hove**

Erection of single storey side and rear extension.

**Applicant:** Mr Dipak Mistry

**Officer:** Molly McLean 292097

**Approved on 26/05/16 DELEGATED**

### **BH2016/00873**

#### **Stretton Hall 353 Portland Road Hove**

Variation of condition 2 of application BH2014/01081 (Demolition of existing building and erection of a four storey building to facilitate (D2) use at ground floor and 9 no. two bedroom flats (C3) at first, second and third floor levels.) to allow amendments to the approved drawings relating to alterations to the fenestration and extended ground floor footprint to northern edge of site.

**Applicant:** Berkeley Square Properties

**Officer:** Sonia Gillam 292265

**Approved on 26/05/16 DELEGATED**

### **BH2016/00951**

#### **193 Portland Road Hove**

Application for Approval of Details Reserved by Conditions 8 and 16 of Application BH2011/02263.

**Applicant:** Melanie Marsh

**Officer:** Sonia Gillam 292265

**Approved on 19/05/16 DELEGATED**

Report from 12/05/2016 to 08/06/2016

**BH2016/00952**

**347 Kingsway Hove**

Erection of first floor front extension over existing garage.

**Applicant:** Mr Hisham Abbas

**Officer:** Sonia Gillam 292265

**Approved on 20/05/16 DELEGATED**

**BH2016/00967**

**405 Portland Road Hove**

Certificate of Lawfulness for proposed change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4) with replacement of rear ground floor door with window.

**Applicant:** Mr Ishmel Awad

**Officer:** Chris Swain 292178

**Approved on 17/05/16 DELEGATED**

**BH2016/01012**

**Ground Floor Flat 13 Berriedale Avenue Hove**

Demolition of existing stores at rear of garage and erection of single storey rear extension with revised fenestration.

**Applicant:** Mr & Mrs A Denness

**Officer:** Molly McLean 292097

**Approved on 31/05/16 DELEGATED**

**BH2016/01040**

**55 Wish Road Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr Sean Hughes

**Officer:** Ross O'Ceallaigh 293817

**Approved on 27/05/16 DELEGATED**

**BH2016/01133**

**12 Glendor Road Hove**

Certificate of lawfulness for a proposed loft conversion incorporating a hip to gable roof extension, front rooflights and a rear dormer, and replacement of rear windows and door.

**Applicant:** Mr Geoff Raymond

**Officer:** Ross O'Ceallaigh 293817

**BH2016/01145**

**36 Bolsover Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.300m for which the maximum height would be 3.232m, and for which the height of the eaves would be 2.739m.

**Applicant:** Mrs Carol Senders

**Officer:** Allison Palmer 290493

**Prior approval not required on 01/06/16 DELEGATED**

**BH2016/01164**

**9 Coleman Avenue Hove**

Report from 12/05/2016 to 08/06/2016

Certificate of lawfulness for proposed loft conversion with front rooflight and rear dormer.

**Applicant:** Joanne Dougnaglo  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 23/05/16 DELEGATED**

**BH2016/01186**

**11 Coleman Avenue Hove**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflight and rear dormer.

**Applicant:** Jenny Freeman  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 06/06/16 DELEGATED**

**BH2016/01198**

**265 Kingsway Hove**

Erection of single storey rear extension, enlargement of garage, front dormer, hip to gable extension to rear, side and rear rooflights, revised fenestration and associated works.

**Applicant:** Mr Martin Webb  
**Officer:** Laura Hamlyn 292205  
**Approved on 27/05/16 DELEGATED**

**BH2016/01228**

**13 Middleton Avenue Hove**

Alterations to roof incorporating hip to barn end roof extension with front rooflights, side window and rear dormer.

**Applicant:** Mrs Aisling Brombley  
**Officer:** Ross O'Ceallaigh 293817  
**Approved on 27/05/16 DELEGATED**

**BH2016/01368**

**34 Berriedale Avenue Hove**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 5.6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.5m.

**Applicant:** Mr Simon Hasler  
**Officer:** Ross O'Ceallaigh 293817  
**Prior Approval is required and is refused on 26/05/16 DELEGATED**

**Withdrawn Applications**

**NEW APPEALS RECEIVED****WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**GOLDSMID**

BH2015/03201

45 Cromwell Road Hove

Installation of wood pellet heat generation boiler and fuel storage hopper to side elevation.

APPEAL LODGED

12/05/2016

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOVE PARK**

BH2015/03611

213 Goldstone Crescent Hove

Erection of single storey rear extension.

APPEAL LODGED

12/05/2016

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**NORTH PORTSLADE**

BH2015/04021

212 Mile Oak Road Portslade

Demolition of existing outbuildings and erection of a single storey ancillary annexe in rear garden.

APPEAL LODGED

12/05/2016

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOVE PARK**

BH2015/02594

7 &amp; 8 Sandringham Close Hove

Erection of two storey extensions and lower ground and ground floor level.

APPEAL LODGED

16/05/2016

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATE**CENTRAL HOVE**

BH2015/01233

Flat 1 15 Fourth Avenue Hove

Erection of a single storey detached outbuilding in rear garden.

APPEAL LODGED

17/05/2016

APPLICATION DECISION LEVEL Delegated

---

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HANOVER & ELM GROVE**

BH2015/03799

9 Fairlight Place Brighton

Change of use from residential dwelling to either five bedroom small house in multiple occupation (C4) or residential dwelling.(Retrospective)

APPEAL LODGED

17/05/2016

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WISH**

BH2015/02411

322A Portland Road Hove

Conversion of existing maisonette into 2no two bedroom flats and 1no studio flat with associated loft conversion incorporating a rear dormer, new windows to side elevation and rooflights.

APPEAL LODGED

17/05/2016

Delegated

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WISH**

BH2015/00721

Land Adjacent 60 Worcester Villas & 430 Portland Road Hove

Demolition of existing garage and part extension and erection of a 2no storey two bed dwelling house.

APPEAL LODGED

17/05/2016

Delegated

**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WOODINGDEAN**

BH2015/04453

11 Balsdean Road Brighton

Installation of side and rear dormer to replace existing, enlargement of front dormer and installation of cedar cladding to dormers (Retrospective).

APPEAL LODGED

19/05/2016

Delegated



**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****SOUTH PORTSLADE**

BH2014/03715

Aldi Stores Ltd 7 Carlton Terrace Portslade  
Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.

**APPEAL STATUS**

APPEAL LODGED

**APPEAL RECEIVED DATE**

19/05/2016

**APPLICATION DECISION LEVEL**

Planning (Applications) Committee

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****ROTTINGDEAN COASTAL**

BH2014/03394

Land adjacent 6 Falmer Avenue Saltdean Brighton

Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.

**APPEAL STATUS**

APPEAL LODGED

**APPEAL RECEIVED DATE**

23/05/2016

**APPLICATION DECISION LEVEL**

Planning (Applications) Committee

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****ST. PETER'S & NORTH LAINE**

BH2015/03407

10 St Georges Place Brighton

Part change of use of rear of ground floor shop (A1) with associated erection of rear extension to form 1no two bed self-contained flat (C3). Internal alterations to facilitate reconfiguration of the existing residential accommodation on the upper three floors, including removal of the mezzanine floor, to form 3no one bed self-contained flats (C3). External alterations including new shop front, revised fenestration, installation of new steps and replacement glass balustrading to existing roof

APPEAL STATUS terrace and internal secure cycle storage.  
APPEAL LODGED  
APPEAL RECEIVED DATE 24/05/2016  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **QUEEN'S PARK**  
APPEAL APP NUMBER BH2016/00137  
ADDRESS Flat 3 4 Clarendon Place Brighton  
DEVELOPMENT DESCRIPTION Formation of mansard roof incorporating rooflights to front and rear elevations.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 25/05/2016  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **ROTTINGDEAN COASTAL**  
APPEAL APP NUMBER BH2015/04144  
ADDRESS Grange Lodge The Green Rottingdean Brighton  
DEVELOPMENT DESCRIPTION Erection of part one and part two storey side extension.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 31/05/2016  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **WITHDEAN**  
APPEAL APP NUMBER BH2015/04399  
ADDRESS 12 Glen Rise Brighton  
DEVELOPMENT DESCRIPTION Erection of two storey extension with Juliette balcony to rear, raising of ridge height and insertion of rooflights.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 02/06/2016  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **HOVE PARK**  
APPEAL APP NUMBER BH2015/03334  
ADDRESS 71 Hill Brow Hove  
DEVELOPMENT DESCRIPTION Remodelling of existing dwelling including roof extensions incorporating raising of ridge height, creation of dormers and installation of rooflights to sides. Reduction and reconfiguration to rear at ground floor level. Installation of new garage door to lower ground floor level, revised fenestration and associated works.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 03/06/2016  
APPLICATION DECISION LEVEL Delegated







**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
13 July 2016**

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

Planning application no:	BH2015/04273
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Non Determination
Date:	Inquiry - tbc
Location:	Wanderdown Road , Ovingdean, East Sussex BN2 7AB

Planning application no:	BH2014/03394
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Against Refusal
Date:	Inquiry - tbc
Location:	Land adjacent 6 Falmer Avenue Saltdean

Planning application no:	BH2013/0323
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Against Enforcement
Date:	Inquiry - 20/12/2016 Brighton Town Hall
Location:	34 Freshfield Road



**APPEAL DECISIONS**

	<b>Page</b>
<b>A – 14 RICHMOND PLACE, BRIGHTON – QUEEN’S PARK</b>	<b>307</b>
<p>Application BH2015/01560 – Appeal against refusal to grant planning permission for a pitched roof to enclose existing lift overrun and to accommodate two new one bedroom flats. <b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>B – 31 DAVIGDOR ROAD, HOVE – GOLDSMID</b>	<b>311</b>
<p>Application BH2015/01965 – Appeal against refusal to grant planning permission for two bedroom flat <b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>C – 11 CHELSTON AVENUE, HOVE - WISH</b>	<b>317</b>
<p>Application BH2015/03269 – Appeal against refusal to grant planning permission for a single storey rear extension linking the kitchen to the garage building and converting part of the garage into a bedroom. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>D – 2 MARLOW ROAD, BRIGHTON – EAST BRIGHTON</b>	<b>321</b>
<p>Application BH2015/02111 – Appeal against refusal to grant planning permission for the conversion of C4 HMO into 2 self-contained flats. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>E – 107 BOUNDARY ROAD, HOVE – HANGLETON &amp; KNOLL</b>	<b>325</b>
<p>Application BH2015/00233 – Appeal against refusal to grant planning permission for 7 flats, demolition of existing dwelling. <b>APPEAL DISMISSED</b> (delegated decision)</p>	
<b>F – 107 BOUNDARY ROAD, HOVE – HANGLETON &amp; KNOLL</b>	<b>325</b>
<p>Application BH2015/02562 – Appeal against refusal to grant planning permission for demolition of existing house and creation of 4 storey building to form 7 no 2 bedroom flats (C3) with associated parking. <b>APPEAL DISMISSED</b> (Committee decision – 18.11.15)</p>	

**G – 21 UPPER WELLINGTON ROAD, BRIGHTON – HANOVER & ELM GROVE 329**

Application BH2013/0495 – Appeal against enforcement notice for ‘Without planning permission, the change of use of the property from a dwellinghouse (C3) to use as a House in Multiple Occupation’. The enforcement notice requests ‘Cease the use of the property as a House in Multiple Occupation’.

**APPEAL DISMISSED**

**H – 40 HOLMES AVENUE, HOVE – HANGLETON & KNOLL 335**

Application BH2015/01481 – Appeal against refusal to grant planning permission for the demolition of the existing garage and the construction of a pair of two bedroom semi-detached houses.

**APPEAL DISMISSED** (delegated decision)

**I – 9 THE CRESCENT, BRIGHTON – MOULSECOOMB & BEVENDEAN 341**

Application BH2015/02442 – Appeal against refusal to grant planning permission for the change of use of existing C4 House in Multiple Occupation to Sui Generis HMO. **APPEAL ALLOWED** (delegated decision)

**J – 92 BADEN ROAD, BRIGHTON – MOULSECOOMB & BEVENDEAN 345**

Application BH2015/03006 – Appeal against refusal to grant planning permission for the erection of a pair of semi-detached 2 storey dwellings, 1 no. 2 bed and 1 no. 3 bed. **APPEAL ALLOWED** (delegated decision)

**K – 2 ROCK STREET, KEMP TOWN, BRIGHTON – EAST BRIGHTON 349**

Application BH2014/03122 – Appeal against refusal to grant planning permission for conversion of existing store at rear to form 1 x 1 bedroom apartment. **APPEAL DISMISSED** (delegated decision)

**L – COWDRAY LODGE, 60-64 NEW CHURCH ROAD, HOVE - WESTBOURNE 351**

Application BH2015/03000 – Appeal against refusal to grant planning permission to replace existing timber framed windows with new uPVC. **APPEAL DISMISSED** (delegated decision)



**M – 41 BISHOPS ROAD, HOVE – HOVE PARK 355**

Application BH2015/02983 – Appeal against refusal to grant planning permission for the creation of additional floor to create two storey dwelling, alteration to front boundary wall, creation of hardstanding and other associated alterations. **APPEAL DISMISSED** (delegated decision)

**N – 24 WESTFIELD AVENUE SOUTH, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL 357**

Application BH2015/04411 – Appeal against refusal to grant planning permission for a single storey rear extension. **APPEAL ALLOWED** (delegated decision)

**O – THE STUDIO, 1A NORTHGATE COTTAGES, FALMER ROAD, ROTTINGDEAN – ROTTINGDEAN COASTAL 365**

Application BH2015/04217 – Appeal against refusal to grant planning permission for the enclosure of an existing balcony to provide a bed-study room at first floor level and installation of two dormer windows. **APPEAL ALLOWED** (delegated decision)

**P – 22 SANDHURST AVENUE, BRIGHTON – WOODINGDEAN 361**

Application BH2015/02558 – Appeal against refusal to grant planning permission for the erection of two storey side extension with front rooflights and rear dormer, formation of front porch, crossover and hardstanding. **APPEAL DISMISSED** (delegated decision)

**Q – 29 HOVE PARK WAY, HOVE – HOVE PARK 365**

Application BH2015/03330 – Appeal against refusal to grant planning permission for a raised terrace and garden wall to rear garden. **APPEAL DISMISSED** (delegated decision)

**R – 4 CLYDE ROAD, BRIGHTON – ST PETER’S & NORTH LAINE 369**

Application BH2015/02650 – Appeal against refusal to grant planning permission for the conversion and extension of unused store to form a 1 bedroom dwelling. **APPEAL DISMISSED** (delegated decision)

**S – 146 WALDEGRAVE ROAD, BRIGHTON – PRESTON PARK 373**

Application BH2015/0128 – Appeal against an enforcement notice issued by Brighton & Hove City Council. **APPEAL DISMISSED** (delegated decision)

**T – 146 WALDEGRAVE ROAD, BRIGHTON – PRESTON PARK 379**

Application BH2015/02178 – Appeal against refusal to grant planning permission for an ‘as built’ dormer window to the rear. **APPEAL DISMISSED** (delegated decision)

**U – 4 FREDERICK GARDENS, BRIGHTON – ST PETER’S & NORTH LAINE 379**

Application BH2015/03726 – Appeal against refusal to grant planning permission for a rear extension and replacement windows and doors. **APPEAL ALLOWED** (delegated decision)

**V – 87 & 89 COWLEY DRIVE, WOODINGDEAN – WOODINGDEAN 383**

Application BH2015/02150 – Appeal against refusal to grant planning permission for demolition of the existing garage and erection of a two bedroom dwelling. **APPEAL DISMISSED** (delegated decision)

**W – 14 PORTLAND VILLAS, HOVE – WISH 387**

Application BH2015/00279 – Appeal against refusal to grant planning permission for demolition of existing property and erection of new detached house. **APPEAL DISMISSED** (delegated decision)

**X – 22 ST MARY MAGDALENE STREET, BRIGHTON – ST PETER’S & NORTH LAINE 391**

Application BH2015/03223 – Appeal against refusal to grant planning permission for change of use from C3 (dwelling house) to C4 (small house in multiple occupation). **APPEAL DISMISSED** (delegated decision)

**Y – FLAT 2, 19 COMPTON ROAD, BRIGHTON – WITHDEAN 395**

Application BH2015/03830 – Appeal against refusal to grant planning permission for a conversion of loft to create additional bedroom and en-suite bathroom, accessed by new set of stairs from first floor and to include rear dormer. **APPEAL ALLOWED** (delegated decision)

**Z – 150 SALTDEAN VALE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL 399**

Application BH2015/01799 – Appeal against refusal to grant planning permission for a “creation of a one bedroom self-contained, energy efficient dwelling”. **APPEAL ALLOWED** (delegated decision)

## Appeal Decision

Site visit made on 8 March 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3136565**  
**14 Richmond Place, Brighton BN2 9NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr M Blencowe against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01560, dated 28 April 2015, was refused by notice dated 26 June 2015.
  - The development proposed is pitched roof to enclose existing lift overrun and to accommodate two new one bedroom flats.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.

### Main Issues

3. The main issues in this appeal are:
  - whether the proposed roof extension would preserve or enhance the character or appearance of Valley Gardens Conservation Area and the setting of the listed building at St Peter's Church; and
  - the effect of the proposed roof extension on the living conditions of neighbouring occupiers at 12 and 13 Albion Street with particular regard to outlook and light.

### Reasons

#### *Character and appearance*

4. 14 Richmond Place is a modern block of flats within the Valley Gardens Conservation Area that was designed to reflect the appearance of nearby Georgian buildings. At present, it is a three storey building with mansard roof above, containing 12 flats. The building is part of a terrace that is of largely
-

- consistent eaves height, although mainly comprising Victorian 4 storey buildings.
5. The focal point of this part of the conservation area is St Peter's Church that is located within Valley Gardens directly opposite the site and is listed Grade II\*. The terrace, of which 14 Richmond Place forms part, overlooks and encloses Valley Gardens, which form a linear group of public spaces from the Level to the Palace Pier.
  6. The eaves of the buildings within the terrace are largely consistent in height, but the style and ridge level of the roofs above varies. A number of buildings have mansard roofs similar to the existing roof of No. 14; others have more traditional pitched roofs. Blake Court is slightly taller with mansard roof and pitched roof above that dominates the remainder of the terrace, particularly in views from the south west. The proposed floor above the existing mansard roof would also be taller than neighbouring buildings and would have a similar, albeit less pronounced, effect that would be unduly prominent in the historic street scene and from St Peter's Church.
  7. The existing lift over-run would be replaced by the proposed additional floor. This is set back on the roof such that it is not visible from the road, although is visible from the open space and car park to the front of St Peter's Church. However, it is not a prominent element of the building and its replacement with the much larger and more prominent proposed roof extension would not protect or enhance the character or appearance of the conservation area and would not respect the setting of St Peter's Church, thereby harming the significance of these heritage assets.
  8. I accept that the roof extension would partially block views of the unattractive modern flat building to the rear from the conservation area and St Peter's Church. However, this would not outweigh the harm I have identified.
  9. The Framework advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area and listed building is nevertheless a matter of considerable importance in this case.
  10. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the contribution of two dwellings to the supply of housing. I note that the appellant disputes the Council's assertion that adoption of the CP demonstrates a five year supply of housing is available as required by the Framework. However, no substantive evidence has been provided by either party. I do not consider the provision of two dwellings, irrespective of the situation with regard to the supply of housing, would outweigh the harm I have identified to the conservation area or setting of the listed building.

11. For the above reasons, I conclude that the proposed roof extension would harm the significance of heritage assets by failing to preserve the character and appearance of the Valley Gardens Conservation Area and the setting of St Peter's Church. As such, the proposal is contrary to Policy CP12 of the CP that replaced policy QD2 of the LP and relates to urban design in the City, including conserving or enhancing built heritage and its settings. In addition, the proposal is contrary to Policies HE3 and HE6 of the LP that seek to preserve or enhance the character and appearance of the area and protect the setting of listed buildings.

*Living conditions*

12. 12 and 13 Albion Street are located beyond a small courtyard to the rear of the property. The separation distance between buildings means that the rear of both sets of flats are enclosed by the existing buildings and the amount of daylight and sunlight into the courtyard is restricted.
13. The rear elevation of the proposed additional floor would be at the same angle as the existing mansard roof, sloping away from the flats to the rear. This angle ensures that this additional floor would not materially increase the sense of enclosure to the flats to the rear, nor would it materially reduce levels of sunlight and daylight.
14. On that basis, I conclude that the effect of the proposed roof extension would not cause material harm to the living conditions of neighbouring occupiers at 12 and 13 Albion Street with regard to outlook and light. The proposed development would comply with Policy QD27 of the LP that seeks to avoid harm to living conditions of neighbouring occupiers.

**Conclusion**

15. While I have found that the proposal would not result in harm to the living conditions of neighbours, that is not sufficient to outweigh the harmful impact the works would have on the significance of local heritage assets. As such, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR



---

## Appeal Decision

Site visit made on 26 April 2016

by **Alex Hutson MATP CMLI MArborA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2016

---

**Appeal Ref: APP/Q1445/W/15/3139696**  
**31 Davigdor Road, Hove, East Sussex BN3 1QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dong Ming Qin against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01965, dated 25 May 2015, was refused by notice dated 4 September 2015.
  - The development proposed is "To two bedroom flat".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the application process, the proposal was amended to reduce the number of bedrooms to one. The Council's description of the proposed development on the Decision Notice is for "Change of use from retail (A1) to 1 no bedroom flat (C3) at ground floor level and alterations to southern elevation including the removal of the existing shopfront". This is an accurate description of the proposed development and I have determined the appeal on this basis.
  3. Subsequent to the date of the Council's Decision Notice, the Brighton and Hove City Plan Part One (City Plan) was formally adopted by the Council in March 2016. Nevertheless, the saved Policies of the Brighton and Hove Local Plan 2005 (Local Plan) referred to in the reasons for refusal have not been superseded by the policies contained within the City Plan and the relevant saved Policies of the Local Plan therefore continue to form part of the development plan for the City. I am therefore satisfied that the adoption of the City Plan does not materially alter the reasons for refusal as set out on the Council's Decision Notice and I have determined the appeal on this basis.
  4. The Appellant has submitted plan 1510/08 Rev B as part of the appeal but has made no further reference to it within their evidence. This plan shows a considerably different internal layout to plan 1510/SK that was submitted as part of the original planning application. Having regard to the 'Wheatcroft Principles' it would be unreasonable for me to accept this plan given that it may deprive the consultees of the original proposal the opportunity to provide representations on this plan. In addition, the Council has not provided an assessment of the merits or otherwise of this plan and I therefore cannot be
-

certain that they have seen it and have had an adequate opportunity to comment on it.

5. Furthermore, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal. My determination of this appeal is therefore based on the plans submitted with the original application.

### **Main Issues**

6. The main issues are:

- Whether sufficient justification has been provided to support the loss of the current retail (A1) use;
- The effect of the proposal on the character and appearance of the area; and
- Whether the proposal would provide adequate living conditions for any future occupiers, with particular regard to internal space provision, outlook, daylight and ventilation.

### **Reasons**

#### *Loss of retail (A1) use*

7. The appeal property, which is currently being used for storage, occupies the ground floor of 31 Davigdor Road, located on the corner of Davigdor Road and Osmond Road. The upper floors of the building are currently in use as residential accommodation. Whilst Davigdor Road is a busy main road, the area is generally residential in character. I observed that there are bus stops located on either side of Davigdor Road, in close proximity to the appeal property. The presence of these bus stops and the busy nature of Davigdor Road is likely to increase the level of pedestrian activity in the vicinity of the appeal property.
8. Saved Policy SR8- Individual Shops, of the Local Plan, sets out that changes of use for individual shops will be permitted where, amongst other things, it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit. Saved Policy SR8 further sets out that indicators affecting economic viability that should be taken into account, include the characteristics of the unit, its location, the pedestrian activity associated with the unit and the length of time the unit has been actively marketed on competitive terms.
9. Notwithstanding the Appellant's claim that the appeal property may not have been in active retail use for the last 12 years, no detailed viability assessment, in accordance with the above requirements, has been put forward as evidence for further consideration to justify the proposed change of use. This is a fundamental requirement of saved Policy SR8 of the Local Plan and failure to do so is clearly in contravention of this saved policy.
10. I acknowledge the Appellant's claim that the Council has previously offered funding to change the use of the appeal property to residential. Nevertheless, this claim has not been substantiated with any evidence to allow me to consider this matter further, especially in light of the Council's refusal of the



planning application that substantially contradicts this claim. In addition, even if some local shops have recently closed, I have not been provided with any evidence that these alleged closures involved the Council's consent for their change of use that would allow me to make any informed comparisons between those shop closures and the appeal at hand. Finally, whilst on-line delivery of shopping may be available in the area, I have no substantive evidence to demonstrate that the unit could not provide a shop that would cater for people's daily needs that could not be met by online shopping that generally takes in excess of a day to be delivered. These arguments are not therefore, in my opinion, material planning considerations to which I can afford any significant weight.

11. I therefore conclude that the proposal has not provided adequate justification for the loss of the current retail use, contrary to saved Policy SR8 of the Local Plan. The proposal would also conflict with the broad aims and principles of the National Planning Policy Framework (The Framework), that seek planning to support a strong economy.

#### *Character and appearance*

12. The appeal property occupies a prominent position on the corner of Davigdor Road and Osmond Road. Whilst there are some modern blocks of flats in the vicinity of the appeal property, buildings in the area, including the appeal property and adjoining buildings, generally display a traditional character and appearance. Front boundary treatment in the vicinity of the appeal property generally comprises low brick walls. The existing shop front, comprising bay windows with large panes of glass, provides an important element of depth and symmetry and adds a significant level of visual and historic interest to the appeal property. The existing shopfront therefore, in my opinion, makes a strong and positive contribution to the overall character and appearance of the streetscape and area.
13. The proposal would replace the traditional shopfront with a frontage that would extend on a single plane across the full width of the appeal property. Two multi-paned windows and a front door offset from the centre point of these two windows, would be incorporated into the proposed frontage, with crenellations added to its roof.
14. The loss of the traditional shopfront and the modern appearance of the proposed frontage and its lack of depth and symmetry, in combination with the proposed crenellations that do not feature on any nearby buildings, would fail to respect the existing traditional character of the appeal property. Furthermore, the lack of any proposed front boundary treatment to separate the private space at the front of the proposal from the public realm, would also appear at odds with the prevailing pattern of development in the area.
15. The proposal would therefore, in my judgement, appear as an incongruous, discordant and unsympathetic form of development that would result in significant and demonstrable harm to the character and appearance of the appeal property, streetscape and area.
16. The proposal would therefore be contrary to saved Policy QD14- Extensions and Alterations, of the Local Plan, that requires, amongst other things, development to be well designed, sited and detailed in relation to the character of the host building and surrounding area. This policy is consistent with broad

aims and objectives of the Framework that seeks planning to secure high quality design and to take account of the different roles and character of different areas.

17. The proposal would also be contrary to the guidance within the Council's Supplementary Planning Document 12- Design Guide for Extensions and Alterations 2013, which advises that extensions and alterations, including to the front of a building, should not detract from the appearance of the property or the general character of the street.

*Living conditions*

18. The proposal would have an internal floorspace of approximately 36 square metres. The evidence suggests the intention is to provide residential accommodation for two people. The submitted plans would support this intention in light of a double bed shown within the proposed bedroom. Whilst I have not been provided with any local internal space standards, the overall floorspace would be excessively modest for two occupiers. Furthermore, the proposed layout would provide limited circulation space in each of the proposed rooms which would be reduced further as a result of the basic furniture requirements of any future occupiers. The proposal would therefore provide a poor level of internal space provision that would result in an overwhelming sense of enclosure and a cramped living environment for any future occupiers. In addition, the lack of windows in the kitchen, and the resulting poor levels of outlook that would arise as a result, would further contribute to the sense of enclosure and cramped living environment.
19. As a result of the single aspect of the proposal and the proposed internal layout, the proposed shower room and kitchen would likely receive very little, if any, natural daylight. Furthermore, it is unclear from the plans and from any supporting evidence, how the proposed daylight pipes within the kitchen area would work and what levels of natural daylight they would provide to assist with overcoming this matter. Based on the evidence before me, I therefore consider that proposal would result in a dark and gloomy living environment for any future occupiers.
20. The proposed bathroom would lack any windows for ventilation, though given it would be located adjacent to an external wall, this room could reasonably be ventilated through the use of an extraction fan. However, in addition to the proposed kitchen lacking any windows, it would not be located adjacent to an external wall. Furthermore, whilst the plans suggest some form of ventilation system would be installed, it is unclear from the plans and from any supporting evidence, how the proposed ventilation system would work and to what extent it would assist with mitigating any condensation or odours that would arise from cooking or other activities in the kitchen. Based on the evidence before me, I consider that the proposal would result in a poor level of ventilation for any future occupiers that could have serious implications for their health.
21. I therefore conclude that the proposal would provide wholly inadequate living conditions for any future occupiers, with particular regard to a poor level of internal space provision, a poor level of outlook, a poor level of daylight and a poor level of ventilation.
22. Whilst the Council has not refused the planning application in respect of the privacy of any future occupiers, this is raised as a concern within the Officer's

Report. Given the lack of any proposed front boundary treatment and given the proposed windows would directly face the space to the front of the appeal property, any passing pedestrians could obtain views directly into these windows from a very close proximity. The proposal would therefore clearly fail to provide adequate measures to maintain a reasonable level of privacy for any future occupiers. This matter also weighs substantially against the proposal.

23. The proposal would therefore be contrary to saved Policy QD27- Protection of Amenity, of the Local Plan, that seeks to resist development or a change of use where it would cause material loss of amenity to any future users or where it is liable to be detrimental to human health. This policy is consistent with the broad aims and objectives of the Framework, that seek planning to ensure a good standard of amenity for all future occupants of land and buildings.

*Other matters*

24. The proposal would make a limited but useful contribution to housing supply in the City. However, I consider that the harm that would arise to the character and appearance of the area and to the living conditions of any future occupiers would significantly and demonstrably outweigh the modest benefit of providing one new dwelling.

**Conclusion**

25. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR



---

## Appeal Decision

Site visit made on 26 April 2016

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 May 2016**

---

**Appeal Ref: APP/Q1445/D/15/3143150**

**11 Chelston Avenue, Hove, BN3 5SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Pattenden against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03269, dated 9 September 2015, was refused by notice dated 16 December 2015.
  - The development proposed is a single storey rear extension linking the kitchen to the garage building and converting part of the garage into a bedroom.
- 

### Decision

1. The appeal is allowed and permission is granted for a single storey rear extension linking the kitchen to the garage building and converting part of the garage into a bedroom at 11 Chelston Avenue, Hove, BN3 5SR, in accordance with the terms of the application, Ref BH2015/03269, dated 9 September 2015, subject to the attached schedule of conditions.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the building and area as a whole; and
  - whether the proposal would lend itself to being used as a separate dwelling unit and, if so, the living conditions provided for future occupiers of the unit.

### Reasons

#### *Character and appearance*

3. No 11 is a semi-detached property on the eastern side of Chelston Avenue, a cul-de-sac comprising pairs of very similar semi-detached properties. The gaps between the pairs are relatively narrow, often with a single width driveway opening out to a pair of garages set well back behind the houses. This is the arrangement between No 11 and its neighbour to the south, No 13.
4. No 11 has previously been extended to the rear with a single storey kitchen extension and conservatory. The proposal is for a further rear extension, linking the kitchen and garage with a single storey flat roof building. The building would be about 5.2 m long and 2.6 m wide, would accommodate a

- utility room and shower room, and in conjunction with this the garage would be converted to a home office/guest bedroom and an unspecified second room.
5. The proposed extension would be a relatively small scale single storey building. It would be flush with the side elevation of the original house and the rear extension, thus creating a long flank wall linking back to the garage. However, because the building would be set well back and the gap between Nos 11 and 13 is narrow it would only be glimpsed in views from the road. Consequently, although there are no similar extensions in the vicinity, the proposal would be discreet and not comprise an unduly prominent feature within the street scene. The proposal would only involve the loss of a small part of the existing garden and driveway and would not amount to overdevelopment of the site.
  6. The existing kitchen extension has a hipped roof and the garage a flat roof; these would be joined together by a further flat roof and a rooflight would be installed to light part of the garage. The result would be an incremental but not incongruous set of additions to the original building. Being no higher than the existing garage, set well away from the properties on either side and well screened by existing tall fencing on both side boundaries, there would only be a minimal impact on nearby properties and the area as a whole.
  7. The proposal would exceed the guidance in the Council's Design Guide for Extensions and Alterations 2013 (the Design Guide) that single storey rear extensions should normally be no deeper than half the original building. However, in this case the building would be small scale, adjacent occupiers would not be adversely affected and unusually the proposal would link to a detached garage which already lies well to the rear of the property.
  8. For these reasons the proposal would not cause significant harm to the character and appearance of the building or the area as a whole. Consequently there would be no material conflict with saved Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) which requires extensions to be well designed in relation to adjoining properties and the surrounding area. There would also be no material conflict with the Design Guide as explained above.

*Separate occupation and living conditions*

9. The proposal would create a small area of accommodation containing a bedroom, second unspecified room and wc/shower room. This area could potentially include the facilities necessary for a separate residential unit but it would provide poor living conditions for any independent occupier. In particular, it would be very small, the bedroom would have no window, there would only be one kitchen/dining/living room and no provision for any outdoor amenity space. In addition, the kitchen/dining/living room window would look directly out onto the rear garden of the main house severely prejudicing the privacy of the occupier.
10. For these reasons the proposal does not lend itself to being used as a separate, independent dwelling unit and the appellants have confirmed that the extension and converted garage would only be used as ancillary accommodation in connection with the main house. This can be secured by a condition which, contrary to the Council's view, would be enforceable. Consequently there is no conflict with Policies QD2, QD3, QD27 and HO5 of the Local Plan which seek to ensure new development takes account of local characteristics, avoids town

cramming, protects the amenity of proposed and existing occupiers and provides private useable amenity space in new residential development.

11. The Council has suggested three conditions should the appeal be allowed and I agree they meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the plan which has been approved in the interests of proper planning. A condition requiring the use of matching materials is also necessary to ensure the development has a satisfactory appearance. Finally, as proposed by the appellant, a fourth condition is necessary to ensure the development is used as ancillary accommodation only. An additional independent dwelling would not be acceptable in this location.

### **Conclusion**

12. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 15-117-02 Rev D.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes incidental or ancillary to the use of No. 11 Chelston Avenue as a dwellinghouse and for no other purpose.





---

## Appeal Decision

Site visit made on 26 April 2016

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3140605**  
**2 Marlow Road, Brighton BN2 5NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Wong against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02111, dated 9 June 2015, was refused by notice dated 19 October 2015.
  - The development proposed is the conversion of C4 HMO into 2 self contained flats.
- 

### Decision

1. The appeal is allowed and permission is granted for the conversion of C4 HMO into 2 self contained flats at 2 Marlow Road, Brighton BN2 5NB, in accordance with the terms of the application, Ref BH2015/02111, dated 9 June 2015, subject to the attached schedule of conditions.

### Main Issue

2. The main issue is whether the proposal comprises the loss of accommodation suitable for family occupation.

### Reasons

3. No 2 Marlow Road is a two storey end of terrace property with additional accommodation within the converted loft space. At present the property is used as a small house in multiple occupation (HMO), a C4 use, with a total of six bedrooms, two on each floor. This use dates back to at least 2003 and there is no dispute that it is lawful.
4. The proposal is to convert the property into two self-contained units, a one bedroom flat on the ground floor and a two bedroom maisonette over the first and second floors. No external alterations are proposed but the garden to the rear would be subdivided for separate use by the occupiers of the two units.
5. The Council argue that the proposal conflicts with saved Policy HO9 of the Brighton & Hove Local Plan 2005 which seeks to resist conversions which would involve the loss of smaller dwellings suitable for family accommodation. These are defined as dwellings up to 115 sq m in size or with less than four bedrooms as originally built. Before the loft conversion, No 2 was a three bedroom property about 107 sq m in size, and thus falls within the scope of the policy.
6. However, No 2 is not in use as a single dwelling but as a small HMO within the C4 use class. Whilst the change of use of the property from a small HMO (C4

use) to a single dwellinghouse (C3 use) is possible as permitted development, there is no evidence that such a change is in prospect. On the contrary, the appellant has stated that they have no intention to change the use of the property to a single dwellinghouse and, given the size of the now enlarged property, such a change is unlikely. Consequently, the proposal would not involve the loss of a smaller dwelling suitable for family occupation, even potentially, and therefore there is no conflict with Policy HO9.

7. There is no dispute that both of the residential units proposed would provide a good standard of accommodation. Indeed, the Council accept that the two bedroom maisonette would provide a unit suitable for family occupation, which actually satisfies one of the requirements of Policy HO9 if it were to apply in this case.
8. The Council suggested three conditions should the appeal be allowed with a fourth referred to in the officer report. I agree they meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the plan which has been approved in the interests of proper planning and to ensure the sustainability checklist is implemented to secure a sustainable development. Conditions are also necessary to ensure cycle parking facilities are provided in the interests of travel planning, refuse/recycling facilities to ensure satisfactory storage and collection arrangements and lifetime homes standards are implemented as far as possible to maximise the flexibility of the accommodation. The latter details need to be agreed pre-commencement. Finally a condition is necessary to secure satisfactory private amenity space to ensure acceptable living conditions for the occupiers.
9. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing no. MAR-02, Planning Sustainability Checklist Ref. 322095
- 3) Prior to first occupation of the development hereby permitted, secure cycle parking facilities shall be provided for the occupants of, and visitors to, the development, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained for use at all times.
- 4) Prior to first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained for use at all times.
- 5) No development shall take place until details of the conversion in relation to the lifetime homes standard have been submitted to and approved in writing by the local planning authority. The approved details shall then be fully implemented prior to the first occupation of the development.
- 6) Prior to first occupation of the development hereby permitted, the rear garden shall be subdivided for use by the two residential units in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved arrangements shall then be maintained at all times thereafter.



---

## Appeal Decisions

Site visit made on 6 April 2016

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 May 2016**

---

### **Appeal A Ref: APP/Q1445/W/15/3140296**

#### **107 Boundary Road, Hove, Brighton and Hove, BN3 7GB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Castlemist Finance Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00233, dated 26 January 2015, was refused by notice dated 11 June 2015.
  - The development proposed is described as '7 flats, demolition of existing dwelling'.
- 

### **Appeal B Ref: APP/Q1445/W/15/3140335**

#### **107 Boundary Road, Hove, Brighton and Hove, BN3 7GB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Castlemist Finance Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02562, dated 8 July 2015, was refused by notice dated 26 November 2015.
  - The development proposed is demolition of existing house and creation of 4 storey building to form 7 no 2 bedroom flats (C3) with associated parking.
- 

## **Decisions**

1. Both appeal A and B are dismissed.

## **Preliminary Matters**

2. This decision letter deals with two appeals for the same site. There are some differences between the schemes, for example there are balconies on the front elevation for the Appeal B scheme, and a differing parking arrangement for the Appeal A scheme. Nonetheless, given the overall similarities of the schemes I have dealt with both in this single decision letter.
3. In March 2016, the Council adopted the *Brighton and Hove City Plan Part One 2016* (BHCP). This, together with the retained policies of the *Brighton and Hove Local Plan 2005* (BHLP), forms the development plan for the appeal site area. I have sought the views of the main parties on this matter, with no objection raised by the appellant in terms of the 'replacement' policies. For the avoidance of doubt, I have used the policies of the adopted development plan, including those that the local planning authority considers 'replace' those of the BHLP. These are referenced accordingly in these decisions.

## Background and Main Issues

4. The main issue for both appeals is:

- The effect of the proposed developments on the character and appearance of the street scene, and;

For Appeal A;

- The effect of the proposed development on the living conditions of adjoining occupiers with specific regard to noise from the proposed parking and vehicular access arrangements.

## Reasons

### *Character and appearance (Appeals A&B)*

5. The appeal site is located on the eastern side of Boundary Road. This side of the road is typified by residential dwellings, with the existing building on the appeal site being a detached with a garage building to its southern side. The appeal site lies between two similarly designed houses, which have their gables facing the highway with two storey bays. The appeal site itself forms one of four buildings of a similar style on this side of the road. Further south on the eastern edge of Boundary Road, the residential character is retained with two pairs of semi-detached houses. Beyond these is a row of shops, with residential accommodation above. On the western side of Boundary Road there is a mixture of commercial and residential uses.
6. The appeal schemes seek the erection of a three storey building with attic accommodation. This would be partially lowered on the northern end. Visually the building would comprise two gables serving the flats, intersected by a projecting central gable feature that would house the stairs and entrance doors. This would be a new feature within the street scene, where most forms are single gables or flat roofed. The proposed building would also be noticeable and significantly taller than the residential dwellings on either side, as is demonstrated by the higher eaves height proposed as shown on drawings demonstrating the proposed western elevation in context.
7. What is more, the width of the building would be considerably larger than any other building within the row of four, and this width and bulk would extend up three storeys and to the eaves. The combination of these features, which include the incongruent triple gable form, the taller and contrasting eave heights, and the overall wider width proposed would result in a building, under both schemes, which would fail to promote or reinforce local distinctiveness, and appear as discordant features within the wider street scene. The appellant points to other examples of building styles nearby, however the context of these do not replicate that in the appeal scheme, being situated between two very similar two storey houses. I do not find that these other examples cited provide justification for the adverse impact to character and appearance in this case.
8. I therefore conclude that the proposed developments, for both Appeal A and Appeal B, would have an adverse impact on the character and appearance of the street scene. Accordingly, the proposal would be contrary to Policies CP8, CP12 and CP14 of the BHCP (which replaces Policies QD1, QD2 and QD3 of the BHLP), which amongst other aims seek to ensure that new developments raise

the standard of architecture in the city and respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place.

9. It would also be contrary to the Policies of the *National Planning Policy Framework* (the Framework), which include that planning should always seek to secure high quality design and that it is proper to seek to promote or reinforce local distinctiveness.

#### *Living conditions (Appeal A)*

10. Seven parking spaces on the appeal site would be provided to the rear of the proposed building. The Council is concerned that the parking area and access would result in significant noise impacts on the occupiers of 12 Gladys Road and 106 Boundary Road. This is due to the nature of the rear garden's use would change, the proximity of the spaces to the site's boundaries and the number of cars that would be parked and manoeuvred in the parking area.
11. The appellant has submitted a Noise Impact Report from 7<sup>th</sup> Wave Acoustics, which concludes that *'even with worst case assumptions, the car park noise is significantly below the existing noise climate and would also meet acceptable internal noise criteria'*. This is reflected in the points made by the Council's officer's report for Appeal B, where at paragraphs 8.29 to 8.32, the local planning authority make it clear that the environmental health team considered the acoustic report to be robust. I see no reason to take a contrary view in this respect. What is more, there appears to be little difference in the parking arrangements for both appeals, with only some slight re-arrangement of the spaces and further landscaping provided for Appeal B. Both are factors which are unlikely to significantly alter the outcome of the acoustic report.
12. I therefore conclude that the proposed development would not result in a materially harmful impact on the living conditions of neighbouring occupiers with regard to noise. Appeal A would therefore accord with Policies SU10 and QD27 of the BHLP, which, amongst other aims, seek to ensure that proposals minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.

#### **Other Matters**

13. On the evidence before me, the local planning authority indicates that it is currently unable to demonstrate a 5 year supply of housing land (see para 8.3 of the officers report). In this instance, policies relevant to the supply of housing within the development plan should not be considered up to date, as Paragraph 49 of the Framework makes clear. However, in this case, the policies cited relate to design and living condition matters, rather than policies related to the supply of housing. There is no indication that these other policies are out of date.
14. Accordingly, whilst I acknowledge that the provision of six dwellings net arising from the proposed development is a modest benefit in favour, this needs to be weighed against the harm I have identified. In this respect, I have found that the proposed development would result in substantial harm to the character and appearance of the street scene and that this harm would significantly and demonstrably outweigh the modest benefit from the provision of six (net) new dwellings.

15. Late in the appeal process, the Council raised the matter of Policy CP20 of the BHCP, which seeks contributions for affordable housing. The appellant has not provided any mechanism for this to be provided. However, I have found both schemes to be unacceptable in respect of the character and appearance issue identified in the main issues. It is not necessary, therefore, for me to consider this matter further.

### **Overall Conclusion**

16. Whilst I have found in favour of the appellant in respect of the second main issue, I have found for both appeals that the adverse impacts in the form of harm to character and appearance would significantly and demonstrably outweigh the benefits of the proposal in the form of providing six additional new dwellings.

17. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR



---

## Appeal Decision

Site visit made on 26 April 2016

**by Alan Woolnough BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 May 2016**

---

**Appeal Ref: APP/Q1445/C/15/3140098**

**21 Upper Wellington Road, Brighton, East Sussex BN2 3AN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Terence Hermon against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2013/0495.
- The notice was issued on 24 November 2015.
- The breach of planning control as alleged in the notice is: 'Without planning permission, the change of use of the property from a dwellinghouse (C3) to use as a House in Multiple Occupation'.
- The requirement of the notice is: 'Cease the use of the property as a House in Multiple Occupation'.
- The period for compliance with the requirement is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.**

---

### The notice

1. The alleged breach of planning control set out in the enforcement notice should refer to a *material* change of use, that being the act of development as defined by statute. Moreover, a material change of use to a House in Multiple Occupation (HMO) is subject to a ten year time bar on enforcement action, rather than the four year limit referred to in section 4 of the notice. As the Appellant acknowledges that the conversion of the property only took place in 2013, no injustice arises from correcting the notice accordingly.

### The appeal on ground (a)

#### Main issue

2. The main issue in determining the appeal on ground (a) is the effect of the development on:
  - the character and amenity of the surrounding area; and
  - the balance of the local community.

#### Planning policy

3. The development plan includes the Brighton & Hove City Plan Part One (CP), adopted in March 2016. Several CP policies have replaced policies in the Brighton & Hove Local Plan 2005 (LP) which had been saved following a

Direction made by the Secretary of State and referred to in submissions on this appeal. However, certain other saved LP policies remain part of the development plan in the wake of the CP's adoption. Paragraph 215 of the National Planning Policy Framework (the Framework) records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it.

4. The Appellant cites failure on the part of the Council to demonstrate a five year supply of deliverable housing sites as a reason for regarding CP Policy CP21<sup>1</sup>, which amongst other things concerns the provision of HMOs, as not being up-to-date and thus outweighed by other factors for the purposes of paragraphs 14 and 49 of the Framework. However, I have not been provided with details of the current five year supply position. Moreover, the CP has, very recently, been found sound in circumstances where it seeks to meet only 44% of the objectively assessed need for new housing.
5. It is fair to assume that CP Policy CP21 would not have been endorsed by the examining Inspector in circumstances where the prevailing housing land supply position led her to conclude that it was not up-to-date. In any event, the policy aims to control the distribution and intensity of HMO development across the city as a whole, rather than limit its supply. I am therefore satisfied that the policy strikes a reasonable balance between the need for HMO accommodation and general housing needs and may, together with the other development plan policies, be given full weight for the purposes of my decision so far as relevant to the appeal.

### **Reasoning**

6. The appeal property contains six bedrooms, each seemingly occupied by a single person unrelated to others in the building. There are communal living room, kitchen and bathroom/toilet facilities available to all the residents. This being so, I find on the evidence before me that the use falls within Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).
7. Permitted development rights which enable single dwellinghouses within Class C3 of the Schedule to the UCO to become Class C4 HMOs with the benefit of deemed planning permission were removed by means of a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 as amended<sup>2</sup>. The Direction came into effect on 5 April 2013.

### *Character and amenity*

8. There is little of substance before me to suggest that use of the property as a HMO is any more detrimental to the appearance of the building itself or the wider street scene than its former use as a single dwellinghouse. No obvious alterations to the exterior have taken place as a direct result of the change of use. Moreover, photographic evidence suggests that the physical condition of the building has improved in recent years, albeit that there is nothing to

---

<sup>1</sup> The Appellant's comments in this regard relate to the draft version of Policy CP21 prior to the adoption of the CP.

<sup>2</sup> Since superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015. The provisions of Article 4 remain unchanged in the replacement Order.

---

- indicate that an ongoing lawful use would not have facilitated an equivalent upgrade in its appearance.
9. I will therefore focus on the level and type of noise and disturbance likely to be associated with HMO use. Problems generated by unsociable behaviour on the part of particular individuals in HMOs are essentially a management matter and, as the Appellant suggests, can be addressed in part through other legislation administered by the Council, albeit in a reactive rather than proactive way. More pertinent for the purposes of my decision is the extent to which noise is an inevitable consequence of intensity of occupation and communal living arrangements and thus a consideration to be weighed when balancing planning merits.
  10. In the absence of technical evidence from either party quantifying relative levels of activity, I have drawn on my own judgment and experience in considering this. Substantial weight must also be given to the lawful fallback position of re-establishing a single dwellinghouse that could be occupied by a large family and a comparison drawn between noise and disturbance likely to be generated by the two different uses.
  11. I consider it highly probable that even as few as six unrelated individuals occupying this type of accommodation, together with their visitors, would generate a significantly higher level of pedestrian and vehicular traffic in terms of people entering and leaving the property and associated vehicular activity than would generally be associated with a single household. It follows that the level of noise and disturbance generated by comings and goings would also be greater.
  12. The accommodation provided in this case is best suited to residents who are young, single and/or transient. In such circumstances the trip pattern generated will, in all likelihood, be markedly different to that associated with a family dwelling of the kind predominant in the locality. Each room would effectively generate its own work, shopping and social trips at different times. This would amount to a significantly higher level of activity than would usually be associated with a single family.
  13. Moreover, the likely profile of the occupiers is such that activity of this kind would be more likely to encroach into unsociable hours. By contrast, comings and goings associated with a family are often made jointly, such that the overall rate of trip generation per person is lower. The adverse effects of one HMO considered in isolation may be limited in this regard. Nonetheless, they can contribute incrementally to a gradual erosion of character and amenity and, this being so, such impacts are more properly considered cumulatively. Indeed, this is the principle which underpins CP Policy CP21.
  14. I have noted the Appellant's contention that activity within No 21 has not caused material harm to the living conditions of adjacent occupiers since use as a HMO commenced in 2013. However, even if this is so it must be borne in mind that occupancy turnover within accommodation of this kind is generally high and that the impact of a different set of tenants may well be different. In any event, such claims are contradicted by the objection of a neighbouring resident, albeit anecdotally.
  15. I conclude that the subject use is likely to generate levels of noise and disturbance, in terms of comings and goings and associated external activity,

over and above those associated with the lawful fallback position. This would have an unacceptable additional adverse impact on the character and amenity of the area. The appeal scheme is therefore contrary to the objectives of saved LP Policy QD27 and the relevant provisions of the Framework.

### *Community balance*

16. CP Policy CP21 advises that in order to support mixed and balanced communities and to ensure that a range of housing needs continues to be accommodated throughout the city, changes of use to HMOs will not be permitted where more than 10% of dwellings within a radius of 50 metres are already in use for such purposes. The Council calculates that in this case 23.9% of properties within the relevant zone are licensed HMOs, whilst the Appellant places the figure at 22.8%. The difference is neither here nor there for the purposes of my decision. Either way, it is clear that the policy threshold is far exceeded.
17. The premise that underpins the policy is sound, having been recently endorsed through the development plan process. Over-abundance of one particular type of accommodation within a confined locale can unbalance a community in a manner which has adverse consequences for the character of an area and the amenity of local residents. In particular, a grouping of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area, as set out in the supporting text to saved LP Policy HO14 and addressed above when assessing the impact of the appeal scheme on character and amenity.
18. The Appellant challenges the validity of the 10% HMO threshold set out in CP Policy CP21 as a determinant of an acceptable community balance. However, there is no reason to disregard this as a reliable measure of harm in circumstances where it has been found to be sound during the course of the Secretary of State's examination. Moreover, no considerations specific to the appeal scheme sufficient to justify an exemption from the strict terms of the policy have been brought to my attention.
19. I conclude, in the absence of cogent evidence to the contrary, that the subject development has unbalanced the local community to an unacceptable degree. It is therefore contrary to CP Policies CP19 and CP21 and the relevant provisions of the Framework.

### ***Other matters***

20. I have considered all the other matters raised. Having regard to the three dimensions of sustainable development set out in paragraph 7 of the Framework, I acknowledge that the appeal property occupies a sustainable location. Moreover, the subject use has some social and economic benefits arising from the provision of accommodation for single people of limited means and the student economy. However, these factors are outweighed by the social and environmental detriment that is likely to contribute to, stemming from imbalance within the community and intensified activity. The appeal scheme does not therefore amount to sustainable development so as to accord with CP Policy SS1.
21. I have already addressed the implications of a shortfall in general housing land supply in the context of this case under the planning policy heading. Focussing

more specifically on student need, I note that the Appellant perceives a shortage of suitable accommodation which the subject HMO helps to meet. However, the extent of such need has not been quantified, there is no five year supply target for that particular category and, in any event, nothing in local or national policy suggests that considerations of this kind should outweigh concerns of character and amenity or community balance.

22. Nothing before me leads me to question the adequacy of the shared accommodation within No 21 for those who occupy it. However, neither this nor any other matter is of such significance as to outweigh the considerations that have led to my conclusions on the main issues. Accordingly, the appeal on ground (a) fails.

### **The appeal on ground (g)**

23. The Appellant contends that the three month compliance period specified in the enforcement notice is too short by reason of the fact that the property is let on an assured shorthold tenancy (AST) agreement which expires on 14 August 2016. He seeks an extension to either 1 September 2016 or six months from the date of my decision, whichever is the later. I give little weight to the inconvenience and potential legal complexities associated with early termination of an AST agreement, as these would arise from a situation of the Appellant's own making. In any event, that agreement will have expired by the date that the enforcement notice takes effect.
24. This being so, I see no grounds for extending the compliance period to 1 September, let alone for a further six months. No case is made to the effect that any existing occupier is likely to require a period extending beyond the termination of the tenancy in which to find alternative accommodation. I conclude that the period specified for compliance in the notice as issued is not too short. Accordingly, the appeal on ground (g) fails. It remains within the Council's power to further extend the period under section 173A(1)(b) of the 1990 Act as amended in the event that this proves to be necessary.

### **Conclusion**

25. For the reasons given above I conclude that the appeal should fail. I will uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed application.

### **Formal decision**

26. The enforcement notice is corrected by:
- (i) in section 3, the insertion of the word 'material' before the word 'change';
  - (ii) in section 4, the deletion of the word 'four' and the substitution therefor of the word 'ten'.
27. Subject to the above corrections the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Alan Woolnough*

INSPECTOR

---



---

## Appeal Decision

Site visit made on 9 February 2016

**by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23<sup>rd</sup> May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3134707**  
**40 Holmes Avenue, Hove, Sussex BN3 7LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Morley against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01481, dated 30 March 2015, was refused by notice dated 30 June 2015.
  - The development proposed is the demolition of the existing garage and the construction of a pair of two bedroom semi-detached houses.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have given consideration to the recently adopted City Plan Part One and note that following the adoption of it on 24 March 2016, the development plan for the City changed and some but not all, of the Brighton & Hove Local Plan 2005 policies were removed and superseded by new policies. Furthermore, the City Plan Part One along with the retained Local Plan Policies form part of the Development Plan for Brighton & Hove, and the retained Local Plan policies will continue to apply until replaced by the City Plan Part Two Development Plan Document at some future date.
  3. In the case of this appeal, former Local Plan Policies QD1 and QD2 have now been replaced with Policy CP12 (Urban Design), former Policy QD3 has been replaced by Policies CP8 (Sustainable Buildings), CP12 (Urban Design) and CP14 (Housing Density) of the City Plan Part One. Former Local Plan Policy HO3 has now been replaced with Policies CP19 (Housing Mix) and CP20 (Affordable Housing) and former Local Plan Policy HO4 has now been replaced with Policy CP14 (Housing Density) of the City Plan Part One. However, Local Plan Policies HO5 and QD27 have been retained.
  4. I have given full weight to the policies in the City Plan Part One and to the retained policies in the Local Plan.
  5. Whilst I acknowledge that this appeal has followed a previous refusal on the site, with the appellant revising the proposals to address some of the previous concerns, I have considered this appeal on the basis of the proposed development before me.
-

## **Main Issues**

6. The main issues are the effect of the development on :-
- The character and appearance of the area,
  - The living conditions of the neighbouring residents and,
  - The living conditions of the future occupiers.

## **Reasons**

### *Character and appearance*

7. The appeal site is an area of land which was formerly part of the rear garden to No 40, Holmes Avenue, which is on the corner of Holmes Avenue and Wayfield Avenue. Whilst the surrounding area is predominantly residential, it does have a mixed appearance.
8. Most of the houses on Holmes Avenue are 1930's semi-detached properties with fairly generous long rear gardens. Immediately adjacent to the site in Wayfield Avenue is the Martlets Hospice. This is a large modern building set in generous grounds and has a traditional hipped roof. Opposite the site is a 1930's Church Hall building set in open grounds with lawns, a modern block flats, and further to the west is a modern housing estate.
9. To my mind the character of the immediate area falls into two fairly distinct types, with the appeal site forming the boundary between these two areas. One of these character areas is formed by the larger buildings along Wayfield Avenue which are all set in fairly generous grounds, albeit some of their settings are visually compromised by large expanses of car parking.
10. The other character area is formed by the semi-detached houses and gardens of Holmes Avenue. The layout of these houses has a strong uniform linear form with the road running north to south, houses all aligned on an east-west axis, all having generous long rear gardens with a strong well defined and uniform rear boundary on the west. Generally the layout of this area, the appearance of the houses and their gardens all result in a character, which is attractive and cohesive with a definite spacious quality.
11. The development would be for a pair of two storey semi-detached houses with pitched tiled roofs, timber wall cladding at first floor level and with brickwork at ground floor level. They would be set in mainly paved gardens, which would be located principally to the side of each house and their north elevation would be approximately 1.2 metres away from the north boundary to No 42. There would be an area of rear garden to be retained by No 40.
12. Whilst there is no policy objection in principle to contemporary design, despite the variety of its surroundings the proposed development does not have a direct spatial or visual relationship to any of the nearby buildings and neither does it take a design or materials reference from the surrounding properties. Albeit in terms of scale, private residential use and plot boundaries, it does have a stronger relationship to the houses in Holmes Road than any other of the nearby buildings.
13. However the proposed development would consist of two building plots both being smaller in size when compared to those in the surrounding area. Also it



would be built in close proximity to the rear (north) boundary of the site with each new house having a small side garden. This would be a visual contrast to the prevailing character of the area and make the development appear cramped and the site generally overdeveloped. In addition, the area of garden retained by No 40, whilst more generous in size than the small gardens proposed for the new houses, would still be small compared to the surrounding gardens. Again this factor would add to the cramped appearance of the proposals.

14. The National Planning Policy Framework (the Framework) advises that planning decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiatives through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. To my mind the proposed development would not reinforce the prevailing distinctive character of this suburban area.
15. Therefore, I have found the appeal development does harm the character and appearance of the area and would be contrary to Policy CP12 (Urban Design), of the City Plan Part One, which aims among other things to ensure that new development respects the character and urban grain of an area.
16. In addition, the proposal would conflict with one of the core principles of the Framework, which is to always seek to secure high quality design. Good design is a key aspect of sustainable development and is indivisible from good planning. It goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
17. I have considered the appellant's comments regarding the development being designed to fit in with the smaller scale housing in Wayfield Avenue and that the Council only considered the development in comparison to the properties in Holmes Avenue. However the smaller scale modern housing in Wayfield Avenue is at a much greater distance away from the site than the housing in Holmes Avenue. So I have found that the appeal site relates to the houses in nearby Homes Avenue due to their proximity. However for the reasons given above, the proposals do not relate to the character and urban grain of those nearby existing houses and gardens.

*Living conditions of the neighbouring residents*

18. The development would be approximately 1.2 metres away from the north boundary to No 42, with the proposed elevation facing this boundary being approximately 4.7 metres high at the eaves, 6.3 metres at the ridge and total width of 10.3 metres. This elevation would include one first floor window which would be obscured with timber louvres restricting overlooking of the rear garden to No 42. There would be no windows in the east elevation of the development facing towards the rear of the No 40.
19. I have concluded that the mass and bulk of the development in close proximity to the boundary with No 42, would result in it being overbearing and oppressive when viewed from the garden of No 42 and also have an adverse impact on the outlook from that garden. Albeit that I accept that there would not be an overlooking issue into this garden.

20. In addition, the development would be located approximately 14 metres away from the rear elevation of No 40 and approximately 3.3 metres away from the boundary to No 40. I have concluded that the development being close to the boundary with No 40, and fairly close to the rear of this property would also result in a significant loss of outlook for the existing residents in No 40 and from its rear garden.
21. Therefore, I have found the appeal development would harm the outlook of and would also be overbearing to the residents of the adjacent properties and would be contrary to Policy QD27 (retained policy) of the Brighton and Hove Local Plan, which aims among other things to ensure that new development would not cause a loss of amenity to existing residents including loss of outlook.
22. I acknowledge that the separation of the rear garden area to No 40 to create the appeal site, has already taken place and also No 40 has recently been sold with the new owners having knowledge of the appeal development. I have also noted that there is no loss of daylight or privacy to the existing houses. However these facts do not alter my findings in relation to harm to the living conditions of existing residents in Nos 40 and 42.

*Living conditions of the future residents*

23. Policy HO5 (retained policy) of the Brighton and Hove Local Plan, requires the provision of private, usable amenity space in new residential development appropriate to the scale and character of the development. No specific size for this amenity space is given, but the supporting text indicates that front gardens, back gardens and balconies will be taken into account.
24. The proposed houses would be for single family residential use and the size of the external garden for each new house would be 50 sq. metres. However this would be a total area of external space including the small space at the front and rear of each house, with the usable side area of garden being approximately 36 sq. metres. The existing brick front boundary wall would be retained and made good at a reduced height of approximately 1.2 metres in height.
25. The appellant argues that a similarly sized external amenity space has been previously allowed on appeal <sup>1</sup>(see footnote 1) in Woodland Drive, Hove, but I am not convinced that this appeal decision sets a precedent. The Inspector in that case found that the narrow rear terrace would have limited value but would be sufficient to accommodate a garden table and chairs and that the larger front terrace would enable a greater range of uses, with privacy from the street being provided by the location of fencing and cycle stores at the front of the site.
26. However in the case of the current appeal, the private rear area to each house would be too narrow to be more than an access way, with the very small front area being too small and lacking any privacy, to be a useful external space. Although each side garden would be the largest of the three spaces, to my mind the proposed size of it would not be sufficiently generous to make it suitable for the needs of a family. In addition, it would be close to the front

---

<sup>1</sup> Footnote 1 – appeal APP/Q1445/A/13/2192771

- pavement and would be enclosed along the front boundary by a low brick wall of an approximate height of 1.2 metres, resulting in a lack of privacy to it.
27. Consequently I agree with the Council that the size of the proposed gardens would not be commensurate with the size of proposed dwellings, and would be harmful to the amenity of the future occupiers, and therefore be contrary to Policy HO5 (retained policy) of the Brighton & Hove Local Plan.
28. I acknowledge that the appellant has compared external space standards of the other Planning Authorities such as Worthing and London to the proposals, but such comparisons have not altered my findings in relation to this development and its particular site circumstances.
29. I also note that the Council consider that the area of rear garden which would be retained by No 40 would be significantly smaller than those of neighbouring dwellings, and I agree with this statement. However, although certainly this small area of retained garden would have an impact in conjunction with the other factors outlined above, on the character and appearance of the area, I am not persuaded that the size of retained area of rear garden would have a harmful impact on the living conditions of the existing residents of No 40.

### **Other Matters**

30. I acknowledge that the development would be designed as "Lifetime Homes" and would also incorporate energy reducing and CO2 reducing features into the design. Such features would include orientation of dwellings for passive solar gain, solar thermal panels, PV panels, solid flue wood burning stove, heat recovery system, and triple glazing.
31. Both parties acknowledge that there is a shortfall in the Council's five year housing land supply, and the two proposed dwellings would contribute to reducing the identified shortfall in housing. The Framework requires that housing proposals are considered in the context of the presumption in favour of sustainable development and that they should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
32. In terms of the Framework the provision of two additional dwellings could be considered to be a social benefit and the energy reducing features could be considered to an environmental benefit.

### **Conclusion**

33. However I have found that the proposals would be detrimental to the character and appearance of the area, harm the living conditions of the adjoining residents, provide unsatisfactory amenity space for future occupiers and be contrary to some of the core principles of the Framework.
34. In favour of the proposed development are the minor benefits to social and environmental sustainability that I have identified. However, to my mind, the factors identified as weighing against the proposed development significantly and demonstrably outweigh the minor factors in its favour.
35. For the reasons given above and taking all other matters into consideration, the proposed development cannot therefore be considered to be sustainable development and the appeal is dismissed.

*Karen Radford*

**INSPECTOR**

---

## Appeal Decision

Site visit made on 26 April 2016

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3140528**

**9 The Crescent, Brighton BN2 4TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Oliver Dorman against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02442, dated 3 July 2015, was refused by notice dated 23 October 2015.
  - The development proposed is the change of use of existing C4 House in Multiple Occupation to Sui Generis HMO.
- 

### Decision

1. The appeal is allowed and permission is granted for the change of use of existing C4 House in Multiple Occupation to Sui Generis HMO at 9 The Crescent, Brighton BN2 4TB, in accordance with the terms of the application, Ref BH2015/02442, dated 3 July 2015, subject to the attached schedule of conditions.

### Preliminary Matter

2. The building had already been converted on the date of the site visit and residents were in occupation.

### Main Issues

3. The main issues are:
  - whether the development provides acceptable living conditions for its occupiers; and
  - the effect of the development on the mix and balance of the community in the area and the living conditions of nearby occupiers.

### Reasons

#### *Living conditions*

4. No 9 The Crescent is a two storey mid-terrace house in a road of similar properties. It is set back behind a front garden with a tall hedge on the frontage and has a good sized garden to the rear. The property has been used since 2004 as a house in multiple occupation (HMO) with five separate bedrooms let to students. There is no dispute that the property has a lawful C4 use as an HMO for up to 6 occupants.

5. The property has recently been reconfigured and internal alterations carried out to create eight separate bedrooms, which amounts to a change of use from class C4 to a large HMO, a sui generis use. In particular, the ground floor living room has been subdivided into two new bedrooms and the previous ground floor bedroom reduced in size to allow access to a refurbished and slightly enlarged communal kitchen/dining room. Upstairs the large front bedroom has been subdivided into two bedrooms and the previous wc and bathroom converted into two wc/shower rooms.
6. As a result the largest bedrooms and communal living room have been lost and additional, smaller bedrooms have been created in their place. According to the plans the bedrooms were previously 14.45, 10.5, 8.51, 7.17 and 6.24 m<sup>2</sup> respectively in size, whereas now they are 9.06, 8.4, 8.06, 7.9, 7.17, 6.76, 6.63 and 6.57 m<sup>2</sup>. The only communal living space now is the kitchen/dining room, about 20.38 m<sup>2</sup> in size, but this has recently been refitted with cooking, refridgeration and storage facilities that appear adequate for the likely number of users. Although the dining area only seats six persons, in an HMO it is unlikely that this number would be exceeded at any one time.
7. Each bedroom is provided with a single bed, small corner desk and limited storage space. There is little space for any other furniture such as an armchair, particularly in the smaller rooms. The bedrooms are certainly not generous in size, and the smaller rooms in particular are only just sufficient to allow space for sitting, study and storage purposes alongside the bed.
8. The local planning authority have not adopted any space standards for HMOs and rely upon the 'Technical Housing Standards – National Described Space Standards' dated March 2015. These relate to new dwellings rather than HMOs but there is no apparent reason why its guidance, that a single bedroom should be at least 7.5 m<sup>2</sup> in size and 2.15 m wide, is invalid. Four of the bedrooms meet this standard and my site visit confirmed that these provide an adequate standard of amenity for their occupants.
9. However, following an inspection, the Council has granted the property an HMO license under its additional licensing scheme, stating that the house is suitable for occupation by eight persons. The space standard adopted by the Council in 2012 for HMO licence purposes is 6.5 m<sup>2</sup> for a single bedroom, which the four smallest bedrooms meet, albeit only just. Whilst the licence has been issued for the purposes of the Housing Act there is no explanation why a higher space standard is being sought under planning as opposed to housing legislation. This leads me to conclude that the size of the four smallest bedrooms would not justify a refusal of the overall scheme in this case. The property is clearly aimed at the short term student market rather than longer term occupiers for whom higher standards would be necessary.
10. The loss of the communal living room is regrettable but this is not an essential requirement within an HMO. The bedroom door within the kitchen area, the stud wall dividing the upstairs bedroom window and some awkward room shapes are symptomatic of a tight layout but not unreasonable in themselves.
11. For these reasons I conclude that the development provides acceptable living conditions for its occupiers and therefore complies with saved Policy QD27 of the Brighton and Hove Local Plan 2005 (the Local Plan) which seeks to prevent the loss of amenity to proposed and existing occupiers.

*Mix and balance of the community and living conditions of nearby occupiers*

12. The Council argue that the development is contrary to Policy CP21 of the Brighton and Hove City Plan Part One 2016 (the City Plan) which seeks to support mixed and balanced communities across the City and to ensure that a range of housing needs continue to be met. To this end applications for the change of use to an HMO will be resisted where more than 10% of dwellings within 50 m are already in HMO use.
13. In the case of 9 The Crescent there is no dispute that the proportion of dwellings within 50 m that are in HMO use is 29%, well above the policy limit of 10%. However, since the appeal property already has a lawful HMO use this proportion would not change if the appeal is allowed. As such, there is no conflict with Policy CP21. The development would not affect the range of housing types in the area, nor the number of HMOs, just increase the number of occupants within this particular HMO. Although the number of residents would increase from five to eight, this would only be a marginal increase within the neighbourhood as a whole and any effects arising from three extra people living in No 9 are unlikely to be significant.
14. At the time of the site visit the property appeared well managed with the front and rear gardens well maintained and the purpose built refuse/recycling storage area behind the front hedge being used effectively. There was no obvious difference between the standard of maintenance of the property and others in the area, whether HMOs or not. The requirements of the HMO licence include frequent visits to ensure proper management of the property, written agreements for tenants prohibiting anti-social behaviour, the disposal of refuse and recycling and keeping the gardens in good order, all of which would assist in reducing any impact on the living conditions of nearby residents.
15. For these reasons I conclude that the development would not significantly affect the mix or balance of the community in the area in compliance with Policy 21 of the City Plan, nor cause significant harm to the living conditions of nearby occupiers in compliance with Policy QD27 of the Local Plan. The latter seeks to prevent material nuisance and loss of amenity to adjacent residents.
16. The Council suggested one condition should the appeal be allowed and I agree it meets the relevant tests. This is to ensure cycle parking facilities are provided to encourage sustainable travel. It is also necessary to define the plan which has been approved for the avoidance of doubt.

**Conclusion**

17. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

**Schedule of conditions**

- 1) The development hereby permitted has been assessed in relation to the following approved plan: Project 1277 Drawing 02.
- 2) Within three months of the date of this decision, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully provided within three months of the date of approval and shall thereafter be retained for use at all times.



---

## Appeal Decision

Site visit made on 26 April 2016

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3141168**

**92 Baden Road, Brighton BN2 4DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Daniel Lewis, Mouse Slug Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03006, dated 14 August 2015, was refused by notice dated 7 December 2015.
  - The development proposed is the erection of a pair of semi-detached 2 storey dwellings, 1 no. 2 bed and 1 no. 3 bed.
- 

### Decision

1. The appeal is allowed and permission is granted for the erection of a pair of semi-detached 2 storey dwellings, 1 no. 2 bed and 1 no. 3 bed at 92 Baden Road, Brighton BN2 4DP, in accordance with the terms of the application, Ref BH2015/03006, dated 14 August 2015, subject to the attached schedule of conditions.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the occupiers of No 92 Baden Road in relation to outlook and privacy.

### Reasons

#### *Character and appearance*

3. The appeal site comprises land to the rear of No 92 Baden Road, a two storey end terrace property, and previously formed part of its long rear garden. The site has a long frontage onto Eastbourne Road but also turns the corner with a short frontage onto Bevendean Road. The proposal is for a pair of semi-detached houses fronting Eastbourne Road in a distinctively modern style.
4. Many of the long rear gardens of the terraced houses further along Baden Road have been subdivided in order to construct a series of modern terraced houses fronting Bevendean Road, which runs parallel to Baden Road for some distance. However, in this case, the long frontage onto Eastbourne Road provides an opportunity to develop a pair of properties side by side. These would be seen

in the context of three individual detached houses on quite wide plots on the other side of Eastbourne Road, not alongside terraced houses, and as such the plot widths would not appear narrow or the houses cramped within the street scene. The properties would not extend forward of the side elevation of No 92 and would also be set back from the frontage on Bevendean Road.

5. The pair of semi-detached properties would be unashamedly modern in style with a monopitch roof sloping from the front to the back, rendered walls, large modern style vertical window openings and slight corner projections at first floor level. This would contrast with the more functional detached houses opposite but there is a precedent for the modern style nearby in Bevendean Road with its three storey asymmetrical roofed terraced houses. With little existing character nearby to relate to, the appeal site provides a further opportunity for an innovative design approach.
6. The monopitch roof form would be without precedent in the vicinity but this is not problematic in itself, would be consistent with the overall design approach and would reduce the impact of the proposal to the rear alongside the garden of No 90. The front eaves would be about 0.5 m higher than those of No 92 alongside, but this would not be significant given the gap between the two, and although somewhat higher than the eaves of the detached houses opposite, the road separating them is wide which reduces the impact on the street scene.
7. Whilst the front elevation of the two semi-detached houses combined would be quite wide, about 15.5 m, this would be broken up visually by the vertical window openings and first floor corner projections in a slightly different colour render. These projections are only slight and would not result in a noticeably top heavy building. There is no doubt that the combination of the height, width, roof form, materials and overall design of the building would result in a relatively prominent building within the street scene, but it would not be unduly bulky and, given its context, would be seen as an interesting and worthy contribution to the architectural character of the area.
8. The proposed boundary treatment, a low rendered wall with horizontal timber slats between pillars above, would complement the building in a distinctive way. Whilst about 2 m in height for most of its length, the current unattractive close boarded fencing is about this high and the proposed timber slats would allow limited views through. The boundary treatment would need to be high at each end to protect the privacy of the private amenity areas, and because the building would be close to the back of the footway there would be no space for front gardens like the houses opposite. In these circumstances the character of this side of the road would be different in any event and an unusually high boundary treatment would therefore be justified.
9. For these reasons the proposal would make a positive contribution to the character and appearance of the area in compliance with saved Policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (the Local Plan). These require new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment, and secondly discourage the replication of existing styles and pastiche designs in areas without a distinctive historic style of architecture.

*Living conditions*

10. The distance between the main rear elevation of No 92 and the flank wall of the nearest property would be about 17.9 m, reducing to about 15.3 m in the case of the two storey rear extension. These distances are more than the generally accepted minimum for a rear to side relationship in a built-up area and sufficient to avoid the houses appearing overbearing in the outlook from rear facing windows. The building would also be screened by the large evergreen bushes within the rear garden of No 92. Although not raised as an issue by the Council, this screening would also minimise the loss of privacy from the side facing secondary bedroom window of the nearest house.
11. For these reasons the proposal would not cause significant harm to the living conditions of the occupiers of No 92 in relation to outlook or privacy and would comply with saved Policy QD27 of the Local Plan which seeks to ensure that development does not cause a loss of amenity to adjacent residents.

**Conditions**

12. The Council suggested seven conditions should the appeal be allowed and I agree they meet the relevant tests. I have amended them slightly for clarity. In addition to the standard implementation time limit it is necessary to define the plans which have been approved to ensure the design quality of the scheme. A condition controlling the materials to be used is necessary to ensure the satisfactory appearance of the building together with a condition to ensure cycle parking facilities are provided in the interests of sustainable travel. To comply with Council policies further conditions are necessary to ensure that a good standard of energy and water efficiency is achieved in the new homes and that they are built to lifetime homes standard to ensure flexible accommodation for a range of users.

**Conclusion**

13. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GA03, GA04, GA05 and GA06.
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. These shall include:
  - samples of all hard surfacing materials
  - samples of all render and roof treatment (including details of the colour of render/paintwork to be used)
  - samples of the proposed window, door treatments and rainwater goods
  - samples of all other materials to be used externally

The development shall then be carried out in accordance with the approved details.

- 4) Prior to first occupation of the development hereby permitted, secure cycle parking facilities shall be provided for the occupants of, and visitors to, the development, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained for use at all times.
- 5) None of the residential units hereby approved shall be first occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
- 6) None of the residential units hereby approved shall be first occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
- 7) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application or Building Notice or Initial Notice to enable the building control body to check compliance.

---

## Appeal Decision

Site visit made on 8 March 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2016**

---

**Appeal Ref: APP/Q1445/W/15/3136968**

**2 Rock Street, Kemp Town, Brighton, East Sussex BN2 1NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Sandon Homes against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/03122, dated 15 September 2014, was refused by notice dated 23 April 2015.
  - The development proposed is conversion of existing store at rear to form 1 x 1 bedroom apartment.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within the plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). I asked the parties for their comments on the changes to planning policies and have taken these into account in coming to my decision. Policy QD27 of the LP, which was referred to in the Council's reason for refusal was not superseded and remains part of the adopted development plan.

### Main Issue

3. The main issue in this appeal is whether prospective occupiers of the proposed apartment would enjoy satisfactory living conditions with particular regard to outlook.

### Reasons

4. 2 Rock Street is located within the East Cliff Conservation Area, which comprises predominantly Georgian and Victorian terraced buildings on the streets behind the seafront. The property is located within a group of small shops and a public house, with a retail shop on the ground floor, flats on the two floors above and storage associated with the shop in the rear parts of the ground floor and lower ground floor. It is proposed to convert part of that storage area to a separate one bedroom apartment.
  5. The proposed apartment would be accessed through the existing building and then through a landscaped private courtyard area that would also form the
-

- outside amenity space for occupants of the dwelling. All the windows for the flat would open onto that courtyard, such that this would form the outlook for the dwelling. Although the fire exit stair that fills much of the courtyard would be removed, it would remain a very small area.
6. The small courtyard is enclosed on three sides by the existing building and by a wall with fence above on the other side, such that the flat and courtyard would be dominated by the remainder of the building. As a result of this the outlook experienced by prospective occupiers would be oppressive.
  7. The Council have not referred to harm to neighbouring occupiers by reason of overlooking and have not suggested that the proposed dwelling would suffer from a lack of sunlight or daylight. I agree with their findings in these respects.
  8. For the above reasons, I consider that the living conditions of occupants of the proposed dwelling would be unacceptable due to the poor outlook. Consequently, the proposal is contrary to Policy QD27 of the LP that seeks to provide adequate living accommodation to existing or proposed occupiers.
  9. The proposal would not materially alter the external appearance of the building other than the removal of the fire escape stair at the rear. Consequently, the proposed development would preserve the character and appearance of the conservation area in accordance with Policy HE6 of the LP that relates to development within conservation areas and seeks to preserve or enhance their character or appearance.
  10. Letters provided by local estate agents suggest that there is demand for the accommodation, but the fact that there are potential occupants in this area of high demand cannot outweigh the poor quality of living conditions proposed.
  11. I note there has been a previous application on the site and the current proposal seeks to overcome the reasons for refusal on that application. I have considered the appeal on the basis of the merits of the current proposal however.
  12. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR

---

# Appeal Decision

Site visit made on 3 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3144121**

**Cowdray Lodge, 60-64 New Church Road, Hove BN3 4FL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Ali Kochnari, New Church Road Limited against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03000, dated 14 August 2015, was refused by notice dated 1 December 2015.
  - The development proposed is to replace existing timber framed windows with new uPVC.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.

## Main Issue

3. The main issue in this appeal is whether the proposed windows would preserve or enhance the character or appearance of the Sackville Gardens Conservation Area.

## Reasons

4. Cowdray Lodge is located on the junction of New Church Road and Walsingham Road, within the Sackville Gardens Conservation Area in Hove and comprises a Victorian building of 10 flats with the common entrance door to Walsingham Road. Walsingham Road and roads running parallel to it comprise mainly terraces of houses, with buildings on New Church Road being more varied in terms of both design and use. Those opposite Cowdray Lodge are outside the conservation area and include a number of larger blocks of flats or offices of various ages and styles, those on the same side of New Church Road as Cowdray Lodge and within the conservation area are predominantly large Victorian buildings now comprising flats or commercial uses.
-

5. Windows in surrounding buildings are mainly timber windows of a variety of styles to reflect the styles of the individual buildings, although there are a small number of replacement uPVC windows in some buildings. The windows at Cowdray Lodge are timber sash windows in keeping with the age and style of the building, although I understand some have been replaced or repaired where the original windows have failed in the past. The building, including windows, contributes to the character and appearance of the conservation area that is a designated heritage asset. I note that the Conservation Officer considers the building itself to also be a heritage asset.
6. The proposal before me is for uPVC replacement windows, whose design aims to replicate that of the existing windows in the property whilst providing the benefits of modern double glazed units, specifically designed for use in listed buildings and conservation areas.
7. The timber sash windows are an intrinsic part of the building and complement the architectural integrity of it and the conservation area. The design of the replacement uPVC windows is similar to the existing timber windows, but the proposed material is more bulky than, and has a different appearance to, timber and along with other detailed design differences would be visible from the street. Consequently, replacement with uPVC would alter the character and appearance of this building and the conservation area, such that it would harm the significance of the heritage asset.
8. The National Planning Policy Framework (the Framework) advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.
9. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The appellant refers to the poor condition, difficulty to use and cost of repair of the existing windows, the benefits from the proposed windows in making the flats warmer and less expensive to run and an environmental advantage. I note the concerns with regard to cost and feasibility of repair of the existing windows. Neither a detailed survey of the windows has been provided, nor detailed comparative quotes for the refurbishment of the windows or replacement, where necessary, with timber. Properly renovated and weighted timber windows should not be more difficult to use than the proposed uPVC. The reduction in costs to heat the flats and the environmental advantages of the proposed windows are not set out or quantified. For these reasons, the public benefits are not sufficient to outweigh the harm that I have found.
11. For the above reasons, I conclude that the proposed windows would fail to preserve or enhance the character or appearance of the Sackville Gardens Conservation Area. As such, the proposal would be contrary to Policy CP15 of the CP, Policies QD14 and HE6 of the LP and Supplementary Planning



Document 09 titled 'Architectural Features' that seek to preserve or enhance the character or appearance of the historic environment, including conservation area, such as using materials sympathetic to the parent building.

12. I note that the appellant suggests the additional costs of repair of the windows would mean less is spent on landscaping and other maintenance of the building and its grounds, potentially to the detriment of the character and appearance of the conservation area. However, I do not accept that this argument justifies the proposal.

13. On the basis of the above, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR





## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2016

---

**Appeal Ref: APP/Q1445/D/16/3144164**

**41 Bishops Road, Hove, BN3 6PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dr Duncan Wells against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02983, dated 13 August 2015, was refused by notice dated 15 December 2015.
  - The development proposed is the creation of additional floor to create two storey dwelling, alteration to front boundary wall, creation of hardstanding and other associated alterations.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I use the Council's description of development which is more precise than the application form; I note that this description is also used on the appeal form.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbours.

### Reasons

4. The house is a mid twentieth century bungalow that has been altered to provide a rear conservatory extension and a small side extension behind the garage. It sits between two storey dwellings. The surrounding street is a varied mix of bungalows and two storey houses from the post war period. The appeal property and its surrounding neighbours are on higher ground than the street. The locality is one of established residential character and the range of properties and gardens come together to create an area of pleasing suburban appearance. The proposal is as described above and would create a 5/6 bedroomed property with one of these and an en suite within the roof space.

### *Living conditions*

5. The prospect of simply 'adding a floor' to the bungalow would at first sight seem a fair proposition given the streetscene and wider surrounds. However to my mind there would be two difficulties with this approach as proposed.
-

Firstly, the floor and eaves levels of the existing bungalow are markedly above the floor level and ground floor height of No 39 to the south and secondly, the appeal property is set appreciably further back than this neighbouring unit. Given this, and the siting close to the shared side boundary, the length, height and proximity of the flank wall would be seriously intrusive upon the outlook from part of the ground floor of No 39 and unsettlingly dominant from a considerable portion of its rear garden area and its patio section. I say this even allowing for partial boundary screening, the roof hipping away and some staggering of the side elevation as proposed. The massing of the building proposed would simply be too big an imposition on residents at No 39.

6. Given all the circumstances I conclude that the proposed works would unacceptably conflict with the aim of protecting living conditions which is embodied within Saved Policy QD27 of the Brighton & Hove Local Plan.

*Other matters*

7. I understand the Appellant's wish to increase and improve the accommodation of this property and I would agree that there is no reason in principle as to why a suitably designed, scaled and sited two storey home, as opposed to a bungalow, could not be accommodated on the site. I have set out why this particular scheme would not be appropriate. I appreciate that pre-application consideration was given to the scheme and changes were made during the determination period. I recognise that the modern idiom could be seen to have merit and that energy efficiency, water permeability, accessibility/flexibility of use, and other sustainable attributes would be positive factors. Had I been minded to allow the scheme I agree that there would have been scope to apply planning conditions to the restrict window forms such that overlooking would not be an issue. I also agree that daylight and sunlight are not determining factors in this instance. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

*Overall conclusion*

9. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the living conditions of neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR



## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2016

---

**Appeal Ref: APP/Q1445/D/16/3144069**

**24 Westfield Avenue South, Saltdean, Brighton, BN2 8HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Woodley against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04411, dated 7 December 2015, was refused by notice dated 4 February 2016.
  - The development proposed is a single storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 24 Westfield Avenue South, Saltdean, Brighton, BN2 8HT in accordance with the terms of the application Ref BH2015/04411, dated 7 December 2015, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, PO2, PO3, PO4, PO5B, PO6 & PO7.

### Main Issue

2. The main issue is the effect of the proposal on the appearance and amenity of the site.

### Reasons

#### *Appearance and amenity*

3. The appeal property is a modest detached bungalow within an established residential area with many broadly similar dwellings. The area is visually low key and pleasant. Gardens tend to embody a side driveway, a frontage area, a side path and a rear amenity area of around 8 – 9 metres in depth. The proposal is as described above and would provide an additional bedroom with bathroom within an extension projecting about 5 metres into the garden, running across about two thirds of the rear of the dwelling and having a pitched roof with a ridge height of about 5 metres.
-

4. It has been established that the development would in effect be 'permitted development' if only the ridge was to be amended to a crown / flat roof not exceeding 4 metres in height. From what I have seen and read I am in no doubt that this is a 'fall-back' which is a serious proposition for the Appellant.
5. The Council is concerned that the appeal scheme would be an overdevelopment of the site which would appear overly dominant in relationship to the modest character of the host building and would restrict the amount of useable garden space.
6. Certainly the scheme would be larger than other rear extensions which were apparent on my visit. However, there is some local variance in rear building line and I am not persuaded that further variation would be unsuitable in character and appearance terms. The pitched roof over the proposed extension would not be insubstantial but it would mirror existing rear slopes and be set down from the main central ridge point to give a degree of subservience. The extension would also not run across the whole rear elevation, again giving some suitable diminution relative to the original property. A not insignificant space would be taken up in the rear garden area. Nevertheless the area remaining would be very usable in amenity terms and the remodelling of the home to allow direct access from rear to garden would add a positive attribute.
7. Given the foregoing, and with some cognisance of the fall-back which I consider would be a less attractive roof arrangement and offer no planning or practical advantages, I would not agree with the Council's perspective as set out in paragraph 5 above.
8. Saved Policy QD14 in the Brighton & Hove Local Plan, seeks, amongst other matters, well designed and suitably scaled and sited extensions having regard to the host property and its surroundings. I conclude that the proposal would not conflict with this policy or the objectives of the Guidance within Supplementary Document 12 which despite setting out guidance on relative depths of preferred development cannot be expected to cover every eventuality.

#### *Conditions*

9. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning.

#### *Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the appearance and amenity of the site. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR



## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2016

---

### Appeal Ref: APP/Q1445/D/16/3143981

### The Studio, 1A Northgate Cottages, Falmer Road, Rottingdean, BN2 8HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kim Strasman Associates against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04217, dated 23 November 2015, was refused by notice dated 27 January 2016.
  - The development proposed is the enclosure of an existing balcony to provide a bed-study room at first floor level and installation of two dormer windows.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the enclosure of an existing balcony to provide a bed-study room at first floor level and installation of two dormer windows at The Studio, 1A Northgate Cottages, Falmer Road, Rottingdean, BN2 8HT in accordance with the terms of the application Ref BH2015/04217, dated 23 November 2015, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, PO2, PO3, PO4, PO5 & PO6.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality which is a Conservation Area and includes listed buildings.

### Reasons

#### *Character and appearance*

3. The appeal property is a two storey detached residential unit located to the rear of 1 Northgate Cottages. It is a gable end building clad in white painted timber boarding with a raised terrace with single storey extension below to the rear; it is located to the north of the Rottingdean bowling green and is visible from Falmer Road. The appeal property, of rather more scale than the name 'The Studio' might suggest, is an attractive feature within what is an eclectic scene of varied buildings and open spaces which come together to form an
-

area of distinctive character and very attractive appearance. The proposal is as described above albeit roof lights would also be incorporated.

4. The site lies within the Rottingdean Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the same Act sets out the need to have special regard to the desirability of preserving the setting of a listed building – 1 Northgate Cottages is Grade II Listed.
5. Views from the adjacent Bowling Green and The Green are far from completely open at the present time given local substantial buildings particularly to the west of the appeal site. The addition of some modest extra built mass by the suitably subservient and well designed enclosure of part of the raised terrace, or balcony, would be very incidental in the scene from here or Falmer Road. Similarly the two proposed well proportioned and neatly arranged dormer windows would neither be alien, given evidence of local dormers, or visually intrusive. Roof lights would be aesthetically suitable. Materials would be appropriately matching throughout. The whole scene does in any event have some filtering deciduous tree cover along the southern boundary helping to soften views from the open space and relevant stretch of Falmer Road. The appeal property by reason of its scale presently displays little in the way of being an ancillary feature to 1 Northgate Cottages nevertheless I would be concerned if it was to become overly imposing. However, the planned extension works would be at the extremity away from the cottage and the dormers on the south side positioned such that they would not intrude visually or physically on the listed building and its setting.
6. Saved Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan are relevant. Taken together and amongst other matters, they seek respect for local distinctiveness and environment and strive for good quality design for extensions along with the preservation or enhancement of character or appearance within a Conservation Area and the protection of the setting of listed buildings. I conclude that the proposal would not conflict with these policies or the aims of S66 (1) and S72(1) of the Act.

#### *Conditions*

7. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning.

#### *Overall conclusion*

8. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality which is a Conservation Area and includes listed buildings. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR





## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2016

---

**Appeal Ref: APP/Q1445/D/16/3143870**  
**22 Sandhurst Avenue, Brighton, BN2 6NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Marian Suchodolinsky against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02558, dated 27 July 2015, was refused by notice dated 4 December 2015.
  - The development proposed is the erection of two storey side extension with front rooflights and rear dormer, formation of front porch, crossover and hardstanding.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I use the Council's description of development which is more precise than the application form; I note that this description is also used on the appeal form.
3. Since the time of determination of the relevant planning application the Council has adopted the Brighton & Hove City Plan Part One (CP). Consequently a number of the Brighton & Hove Local Plan (LP) policies cited on the Decision Notice have been superseded. The Appellant has been made aware of this and given an opportunity to comment. The replacement policies are very much of a similar tenor to those which no longer remain extant. In the text below I only refer to policies currently adopted by the Council.

### Main Issues

4. The main issues are the effect of the proposal on:
  - the character and appearance of the host property and locality;
  - the living conditions for neighbours; and
  - amenity for future residents.

### Reasons

5. The appeal property is a two storey end of terrace house with a very small rear garden and a modest side garden. It is set within an area of established residential character with similar properties which come together to form a pleasing streetscene. The proposal is as described above and would primarily
-

increase living accommodation and provide for 3 bedrooms, with one of these in the roof space.

*Character and appearance*

6. The proposed extension taken in isolation has, in a number of ways excepting the dormer, been well designed and picks up on the aim for subservience by walls set in and roof set down. However, as with the appeal site, a common feature of the locality is runs of terraces with others set at right angles and space, via side gardens, where the angled buildings meet. This gives a break between built mass and makes what could appear to be a higher density area seem less so. In this instance the side garden ground is higher than the perpendicular terrace to the rear which adds to the need for care with any new building here. Taking these factors a building of the scale proposed here would look alien in the streetscene, appear cramped on the site, remove most useable garden area, detract from the setting of the existing home and that beyond, and generally not accord with the character of the area.
7. Saved Policy QD14 of the LP calls for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of buildings and the wider area. I conclude that the appeal scheme would run contrary to these objectives which are similar to those embodied in the Council's Supplementary Planning Document No.12, *Design Guide for Extensions and Alterations* (SPD) – albeit this guidance document is unable to cover every eventuality in detail.

*Living conditions for neighbours*

8. There is a house set at right angles close to the appeal site, and on lower ground, which has windows in its flank close to its boundary. It has a small rear garden area. The proposed building would be about 3 metres from the common boundary. The effect of the scale of the works, the proximate positioning and the higher ground along with the inclusion of new windows would cause this neighbouring property to be unduly hemmed-in, lose outlook and have further loss of privacy. Even allowing for the fact that the neighbours have a principal outlook from windows around the corner the imposition of the planned extension would be considerable and objectionable. I therefore conclude that the proposed works would unacceptably conflict with the aim to protect living conditions which is embodied within LP Saved Policy QD27.

*Amenity for future residents*

9. The Council reads the planned extension as tantamount to a new dwelling and certainly the layout could be seen in this way with its internal separation and individual front door. If it was to be treated as such then a three storey house with three bedrooms would to my mind need greater living space. A separate dwelling of this scale would also need greater garden space than would about the planned works. Amenity would be unduly lacking for a new unit. Were one to read the planned extension as a whole with the existing home, which the Appellant has shown a willingness to do, then unfortunately I would remain of the opinion that external space was lacking. The dwelling would become a 6 bedroom home and external useable amenity space would be minimal, well below the scale of garden one would expect for a substantial family home.
10. LP Saved Policies QD27 and HO5 and CP Policies CP12 and CP14, taken together and amongst other matters, seek to ensure that residents of dwellings

are able to enjoy appropriate levels of amenity. I conclude that the appeal scheme would not accord with these policies.

*Other matters*

11. I understand the Appellant's wish to increase and improve the accommodation of this property. I note an apparent willingness to amend the internal arrangement to ensure integration and the offer to alter the rear windows; however, I have to determine the proposal before me. The Appellant points to the 'allowances' within the SPD. However, as I say above this document could not be expected to cover every eventuality, one size does not fit all, and contrary to the assertions of the Appellant I would consider plot scale, shape and topography to be relevant factors in any determination. I note that the Council does not raise objection to certain elements of the scheme and I have taken account of this. I appreciate that neighbours did not object to the scheme but I have to consider the long term position and seek to protect living conditions on this basis. The matter of plan accuracy has not weighed significantly in my determination. I can sense and sympathise with the frustration of the Appellant on the question of seeking dialogue with the Council during the determination period and the length of time taken for processing the application. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
12. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

*Overall conclusion*

13. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and locality; the living conditions for neighbours; and on amenity for future residents. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR





## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2016

---

**Appeal Ref: APP/Q1445/D/16/3143467**  
**29 Hove Park Way, Hove, BN3 6PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Maria Higgins against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03330, dated 14 September 2015, was refused by notice dated 29 December 2015.
  - The development proposed is a raised terrace and garden wall to rear garden.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development has been largely completed; this does not alter my approach to determining the merits of the proposal.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbours.

### Reasons

4. The appeal property is a detached two storey dwelling with roof level accommodation and a generous garden to the rear which slopes away from the home. It is in an area of broadly similar detached and semi-detached houses which come together to form a locality of pleasing appearance and which generally offers residents a good standard of amenity. The proposal is as described above.

#### *Living conditions*

5. The most significant part of the scheme is the upper level of the 3 part terrace. This projects about 3.4 metres out from the rear of the house at around internal floor level and runs across the full width alongside a relatively recent single storey extension element. It has a solid screen wall towards the north, almost on the boundary with No 31 which lies beyond. To the south the terrace has a planned planting area with a lower side footpath between it and the common boundary with the rear garden of No 27.
-

6. The surface height of the key part of the terrace has unfortunately not been properly influenced or designed by having due regard to the garden levels of the appeal site or its neighbours and it is unduly extensive in all directions. It is understandable to wish to exit at internal floor level but if this is to be accommodated it would be easier to design a benign arrangement for neighbours if the consequent upper terrace does not run full width across the house.
7. In this instance the need to seek to screen the terrace to limit direct overlooking into No 31 has led to the erection of a substantial solid wall virtually on a boundary. Seen from the neighbours' garden, and because of ground levels, this wall is overly extensive and is unduly overbearing and dominating. Render and painting would do little to assist on this front. To my mind the wall would be the final straw extending from the flank of an extension which is itself not without appreciable bulk and mass. The proposal would make these neighbours feel unduly hemmed-in.
8. To the other side I would not be content to rely on planter vegetation to offer full screening for right angle viewing and in any event the form of this from such a relatively raised base would be alien and visually unsettling. The scheme would lead to undue overlooking of No 27.
9. Forward areas towards the corners of the upper terrace cannot readily be screened and add to scope for viewing of both adjoining gardens. I appreciate that there will always be inter-visibility in suburban areas but this would be an unnecessary and inappropriate addition to that.
10. Given all the circumstances I conclude that the proposed works would unacceptably conflict with the aims of achieving well designed neighbourly development which takes account of topography and boundary relationships and generally protects living conditions as called for within Saved Policies QD14 and QD27 of the Brighton & Hove Local Plan.

*Other matters*

11. I understand the Appellant's wish to improve the outdoor space of this property and that there may have been a mis-understanding over what can be deemed 'permitted development'. The expense incurred is regrettable but I have to deal fairly with proposals and consider this in the same way as I would a non-retrospective scheme.
12. I appreciate that there may be greater light penetration to neighbours as a result of vegetation removal as part of the scheme and I recognise that the lowering of the side path amongst other works has resulted in potentially less impact at particular points for neighbours. Visual amenity in the wider context is not an issue and I would agree that dwellings to the rear are not the subject of loss of amenity from the appeal works by reason of their distance. There was an original terrace in situ but it is clear that this projected very much less than the appeal proposal at or around internal floor level. It might theoretically be possible to require the implementation of further screening towards No 27 by planning condition but this would not resolve all the issues with this development and there would be a very real risk that such elevated screening would in turn lead to an associated concern of an overbearing impact.

13. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.
15. As a final point I would add is that the neighbour at No 27 raises within the case correspondence the matter of the south side window to the appeal property's 'dining area' extension. This clear glazed window facing the neighbouring patio area is obviously of considerable concern to this resident. The extension and its window are not within my remit and I do not know its background as I am only dealing with the external area. However I would hope that the Council, if it has not already done so, would contact the occupier of No 27 and explain whether or not the window has planning permission and the background relating to its existence.

*Overall conclusion*

16. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the living conditions of neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR





## Appeal Decision

Site visit made on 17 May 2016

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2016

---

**Appeal Ref: APP/Q1445/W/16/3142430**

**Land adjacent to 4 Clyde Road, Brighton BN1 4NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr J Patel against Brighton & Hove City Council.
  - The application Ref BH2015/02650, is dated 19 July 2015.
  - The development proposed is the conversion and extension of unused store to form a 1 bedroom dwelling.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matters

2. This appeal has been lodged following the Council's failure to determine the application. The Council in their appeal statement has put forward reasons for refusal had they been in a position to determine the application. I am aware that the policies QD1, QD2, QD3 and EM6 from the Brighton and Hove Local Plan referred to by the Council in its suggested reasons for refusal have been superseded by policies CP3, CP8, CP12 and CP14 (CP3 replacing policy EM6, policy CP12 replacing policies QD1 and QD2 and policies CP8, CP12 and CP14 replacing policy QD3) of the Brighton and Hove City Plan Part One which was adopted since the appeal was submitted. Policies QD14, QD27 and HO5 have been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposal on: -
  - (a) The character and appearance of the area;
  - (b) The living conditions of future occupiers; and,
  - (c) The loss of an existing employment use.

## Reasons

### *The character and appearance of the area*

4. Whilst the proposed dwelling would pick up on some detailing of the adjoining terrace, such as timber sash windows and matching entrance door detailing, the width of the proposed dwelling and the flat roof design would be out of keeping with the adjoining terrace on Stanley Road. Furthermore, the repetitive frontage fenestration, including the ground floor bay windows, is not carried through to the design of the proposed dwelling either.
5. The adjacent row of terrace properties has a uniform appearance. The continuity of the proportions and design, alongside the retention of traditional features and facade detailing, all contribute to the pleasing appearance of this terrace. Although there is an existing structure that abuts 1 Stanley Road which I observed on site to be in some disrepair, this building is of simple storage type design and is subservient to the adjacent terrace.
6. The proposed dwelling would be two-storey and a height that would match the eaves of the adjoining terrace. The proposal would appear in the street scene as a continuation of the terrace. However, the proposed dwelling would not replicate the terrace in terms of its width, roof form and facade treatment and detailing. As a result the proposed dwelling would be a discordant feature disrupting the architectural rhythm of the terrace. In my opinion, the proposed development would be a visually poor addition to the terrace.
7. For these reasons I conclude that the proposed dwelling would be out of keeping with the uniformity of the adjoining terrace and would be harmful to the character and appearance of the area. The Council has referred to a number of policies of the Brighton and Hove Local Plan 2005 some of which are now superseded. I regard saved policy QD14 as the most relevant. The proposed development conflicts with policy QD14 of the Brighton and Hove Local Plan 2005 which seeks extension or alterations to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, amongst other matters.

### *The living conditions of future occupiers*

8. The Department for Communities and Local Government 'Technical housing standards – nationally described space standard' sets standards for internal space within new dwellings. The proposal seeks a 1 bedroom dwelling laid out over 2 levels to which the standards require a minimum floor area of 58m<sup>2</sup> for the proposal. The Appellant has identified that the overall floor space would be 41m<sup>2</sup>. The resulting floor area would fall significantly short of the Government's national described space standards. The living space within the dwelling would be extremely cramped and would not, in my opinion, achieve an acceptable standard of living accommodation for future occupiers. The open plan living space to the ground floor would be particularly small and uncomfortable.
9. I observed on site that the internal courtyard is accessed via the rear of the retail premises. The yard is currently being used for storage associated with the retail premises. The yard is also used to access the flat above the shop by

means of a metal staircase situated in the yard. Whilst the use of the yard for retail storage could be restricted, access to the first floor flat via the retail premises and the yard would remain. As a result, the occupiers of the proposed dwelling would not be provided a private outdoor amenity area.

10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal is contrary to paragraphs 17, 56 and 58 of the National Planning Policy Framework which contains, amongst other matters, the requirement for high quality design and a good standard of amenity for future occupiers of buildings. The Council has referred to a number of policies of the Local Plan, however I regard saved policy HO5 as the most relevant. The proposed development conflicts with policy HO5 of the Local Plan 2005 which seeks to provide private useable amenity space in new residential development, amongst other matters.

#### *The loss of an existing employment use*

11. I observed on site that the building is currently being utilised for storage associated with the retail premises. The building would appear to be meeting a current storage demand. The Council is concerned that the appellant has not demonstrated that the building is unsuitable or redundant, and, as such, could not be put to an employment use as no justification for the loss of an employment generating use has been put forward. Notwithstanding my observations on site, there is no evidence before me to demonstrate that the unit is redundant or incapable of meeting an employment need.
12. As a result to release this unit without an assessment of the potential employment use to which the building could be put would not, in my opinion, justify the loss of the existing building at this site. For this reason, the proposed development would conflict with Policy CP3 of the Brighton and Hove City Plan Part March 2016 which resists the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) and indicates this will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8), amongst other matters.

#### **Other Matters**

13. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide one additional home within the urban area utilising a brownfield site in a sustainable location. Whilst the proposal would contribute a dwelling to the City's overall housing supply, this benefit would not outweigh the harm identified above.
14. Concern has been raised by the neighbouring occupier of the ground floor flat at 6 Clyde Road to overshadowing and overlooking (loss of privacy). Although the proposed dwelling would increase the height and bulk of development in this location, the amount of additional built development would not, in my opinion, be such that would cause harmful overshadowing. Although the proposal would introduce a bedroom at first floor level with oblique outlook toward the rear of properties on Clyde Road, an acceptable separation between respective neighbouring developments would be created. In my opinion, harmful overlooking or loss of privacy would not result.

**Conclusions**

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

---

## Appeal Decisions

Site visit made on 26 April 2016

**by Alan Woolnough BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 06 June 2016**

---

### **Appeal A: APP/Q1445/C/15/3133132 146 Waldegrave Road, Brighton, East Sussex BN1 6GG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeal is made by Mr Rhys Pritchard against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2015/0128.
- The notice was issued on 21 July 2015.
- The breach of planning control as alleged in the notice is: 'Without planning permission the construction of a dormer window to the rear of the property'.
- The requirement of the notice is: 'Completely remove the unauthorised rear dormer and make good the roof with tiling to match'.
- The period for compliance with the requirement is six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction.**

---

### **Appeal B: APP/Q1445/W/15/3133127 146 Waldegrave Road, Brighton, East Sussex BN1 6GG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr Rhys Pritchard against the decision of Brighton & Hove City Council.
- The application ref no BH2015/02178, dated 6 June 2015, was refused by notice dated 3 August 2015.
- The development is described on the planning application form as an 'as built' dormer window to the rear.

**Summary of Decision: The appeal is dismissed.**

---

### **Procedural matter**

1. The Appellant has confirmed that an appeal against the enforcement notice on ground (c), to the effect that a breach of planning control has not occurred, is not being pursued. However, notwithstanding this, the Appellant takes issue in his grounds of appeal with the accuracy of the alleged breach of planning control set out in the notice, contending that planning permission has been obtained for the targeted development. This contention falls to be considered in the manner of a ground (c) appeal.
  2. The contention is incorrect. Planning permission was granted by the Council for a rear dormer at the appeal property on 2 September 2014 under ref no
-

BH2014/02270. However, the development thus approved was markedly different in both design and materials to that targeted by the enforcement notice. Indeed, the latter has been refused planning permission, which decision is now the subject of Appeal B. Accordingly, there is no question that a breach of planning control has occurred.

### **The notice**

3. The enforcement notice requires those complying with it to 'make good' the roof. This is a vague term open to wide interpretation and is not sufficiently precise for the purposes of planning enforcement. I will therefore correct the notice at section 5 so as to require restoration of the roof to its condition before the breach took place. No injustice to any party arises as a result.

### **Main issues**

4. The main issues in determining these appeals are:
  - whether the development as built preserves or enhances the character or appearance of the host property and the Preston Park Conservation Area, within which the property is located; and
  - the effect of the development on the living conditions of neighbouring residents, with particular regard to privacy.

### **Planning policy**

5. The development plan includes the Brighton & Hove City Plan Part One (CP), adopted in March 2016, and certain policies in the Brighton & Hove Local Plan 2005 (LP) which were saved following a Direction made by the Secretary of State in 2008 and remain saved in the wake of the CP's recent adoption. Paragraph 215 of the National Planning Policy Framework (the Framework) records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it.
6. I find no significant conflict with the Framework in respect of the development plan policies cited in this case. Accordingly, I will give them full weight so far as they are relevant to the appeal. Reference is also made to the Council's Supplementary Planning Document entitled *Design Guide for Extensions and Alterations* (SPD12).

### **Reasoning**

7. Planning permission ref no BH2014/02270 provides the Appellant with a lawful fallback position. It is highly likely that the existing permission would be implemented should the current appeals be dismissed. It is therefore an important material consideration to which I must give substantial weight in determining them.
8. The approved and existing dormers are very similar in terms of location, size and proportions. However, they differ in several other respects. The approved drawings show a glazed two pane window which fills the east-facing elevation of the dormer, leaving no significant surround beyond its frame. However, the dormer as built features a far smaller window which is surrounded top and bottom and on either side by substantial areas of cladding.
9. The design and access statement for the approved scheme stipulates that the dormer would feature slate tiled cheeks and a decorated softwood sash

window. The latter requirement is reinforced by condition 4 of the planning permission, whilst condition 5 imposes obscure glazing and window-opening restrictions. By contrast, the dormer as built features a clear-glazed 'dummy sash' with an outward opening pane and cheeks and window surrounds clad in grey glass-reinforced plastic (GRP).

10. The enforcement notice and the Council's appeal submissions refer to the window having been constructed in uPVC. However, the window I viewed during my visit was made from white painted softwood. The Appeal B planning application was silent on the materials of the window and I do not know whether an initial uPVC installation has been replaced since the notice was issued. Notwithstanding this, I shall determine both appeals on the understanding that the existing timber window is intended to remain in place. No injustice to any party arises in doing so.

#### *Character and appearance*

11. I found this part of the conservation area to be characterised by terraced housing arranged in long parallel rows, exhibiting a high degree of uniformity in design and appearance and dating for the most part from the late 19<sup>th</sup>/early 20<sup>th</sup> century. Dwellings are predominantly two storey, some with roof conversions. The latter generally feature rooflights, with front dormers a rarity. Rear dormers are more numerous but, on the evidence before me, by no means commonplace or typical of the locality.
12. The appeal property is mid-terrace and set several doors down from the northern end of Waldegrave Road. A similar unbroken row of dwellings in Chester Terrace backs onto the site. Consequently, views from the public highway of the subject dormer are limited to a partial glimpse through vegetation from Preston Drove. However, the dormer is visible from the rear gardens and upstairs windows of several properties to the immediate east. Whilst it is not the purpose of the planning system to safeguard individual private views, those that take in the subject dormer are so numerous that, in essence, they equate to a significant perception of the conservation area.
13. These views also encompass a box dormer on the rear of an adjacent dwelling. However, this is distinguishable from the appeal development by reason of its larger window and comparatively modest cladded surround. In this context the unauthorised structure draws the eye as a further incongruous and unsightly addition to the roofscape, rather than being subsumed by established features of similar design. The window's small size and surrounding cladding emphasise rather than minimise the visual massing of the structure, directly contrary to advice contained in SPD12.
14. This adverse impact is exacerbated by the use of a utilitarian modern material such as GRP, which reads as an alien feature even in relation to the concrete tiled surround in which the dormer is set. I acknowledge that replicating the concrete of the main roof would not be acceptable. However, the Appellant's original selection of slate would, as a natural and traditional material, have been a far better, more sympathetic choice than GRP.
15. I conclude that the use of an inferior cladding material and unduly small window has resulted in a development markedly more harmful to the character and appearance of the host property and the conservation area than the approved dormer would be. The appeal scheme is therefore contrary to saved

LP Policies HE6 and QD14, SPD12 and the relevant provisions of the Framework.

*Living conditions*

16. The Council contends that the absence of obscure glazing and the fact that the window can be opened facilitate invasive views over adjacent rear gardens. Certainly the elevated position of the dormer is such that, potentially, the window could provide more extensive views than would otherwise be available from the appeal property, thereby eroding the privacy of neighbouring residents.
17. Any valid concerns in this regard are mollified to a degree by the fact that, at present, the dormer serves a wet room rather than habitable accommodation. However, it would be unreasonable to limit this part of the roof conversion to that specific use by means of a condition and the internal layout of the top floor may otherwise be changed without the need for planning permission. Consequently, there is future scope for overlooking from the window as installed, whereas in the fallback position this would be precluded by use of obscure glazing and restrictions on the extent to which the window could open.
18. I give little credence to the Appellant's suggestion that a smaller window reduces potential for overlooking. Clearly, any clear-glazed window below eye level can facilitate an outward view. This being so, I conclude that the development is potentially harmful to the living conditions of neighbouring residents and thus contrary to saved LP Policies QD14 and QD27 and the relevant provisions of the Framework.
19. Having said this, it is readily apparent that full mitigation could be secured through a condition of the kind attached to the existing planning permission. This issue does not therefore in itself give grounds for dismissing the appeals. However, harm to the character and appearance of the host property and conservation area is of overriding importance and for this reason alone the development should not be allowed to remain.

**Other matters**

20. I have considered all the other matters raised. The Appellant has referred me to other rear dormers in the locality which he considers comparable to development at the appeal property. However, each scheme falls to be considered primarily on its own merits and I do not know the full circumstances associated with those other schemes. In any event, some of the examples drawn to my attention are clearly of superior design to the appeal development, whilst others are not worthy of replication.
21. Whether the Council has been inconsistent in its decision making is not a matter for me and falls to be pursued, if necessary by means separate from the planning appeal process. Therefore, neither these nor any other considerations are of such significance as to outweigh those that have led to my conclusions on the main issues.

**Conclusion**

22. For the reasons given above I conclude that the appeals should not succeed. I will uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.



**Formal decisions**

***Appeal A: APP/Q1445/C/15/3133132***

23. The enforcement notice is corrected by, in section 5, the deletion of the words 'make good the roof' and the substitution therefor of the words 'restore the roof to its condition prior to the breach'.
24. Subject to this correction the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

***Appeal B: APP/Q1445/W/15/3133127***

25. The appeal is dismissed.

*Alan Woolnough*

INSPECTOR



## Appeal Decision

Site visit made on 17 May 2016

**by H Porter BA(Hons) PG Dip IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 June 2016**

---

**Appeal Ref: APP/Q1445/D/16/3145870**

**4 Frederick Gardens, Brighton BN1 4TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Chris Hayes against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03726, dated 15 October 2015, was refused by notice dated 11 February 2016.
  - The development proposed is rear extension and replacement windows and doors.
- 

### Decision

1. The appeal is allowed. Planning permission is granted for a rear extension and replacement windows and doors at 4 Frederick Gardens, Brighton BN1 4TB, in accordance with the terms of the application Ref BH2015/03726, dated 15 October 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 163/01; 163/03; 163/04; 163/05; 163/06; 163/07; 163/08; 163/09; 163/10; 163/11; 163/12.

### Procedural Matters

2. Since it issued its decision Brighton & Hove City Council (the Council) has adopted the City Plan Part One, 24 March 2016 (the City Plan). As a result a number of saved policies from the Brighton & Hove Local Plan 2005 (the Local Plan) have been superseded. Nonetheless, Policies HO5, HE6, QD14 and QD27 of the Local Plan, as cited in the Council's Reasons for Refusal have been retained. In the circumstances, I am satisfied that the adoption of the City Plan does not materially affect this appeal.

### Main Issues

3. The main issues are the effect of the proposal on:
  - a) the character and appearance of the host property and surrounding area;
  - b) the living conditions of occupiers of the property with particular regard to outdoor space, and the outlook of neighbouring occupiers of 3 Frederick Gardens.

## Reasons

### *Character and appearance*

4. The appeal property is a small two storey, mid-terrace cottage fronting Frederick Gardens, an intimate pedestrian route in the North Laine Conservation Area. The Conservation Area as a whole consists of a grid iron pattern of streets, fronted mainly by modest 19<sup>th</sup> century terraces interspersed with industrial plots and later infill. The Frederick Gardens frontage has a strong building line, with properties set back by private front gardens. The modest scale and tight urban grain of the terrace is accentuated by the scale of built form nearby, and by the proximity of the Frederick Street elevations to the rear. The majority of buildings along the lane have a unifying material palette of white painted render or brick and timber sash windows. It is the intimacy of the route, the consistency of materials, and modest scale of the 19<sup>th</sup> century terrace that adds charm and character and is in keeping with the appearance of the North Laine Conservation Area as a whole.
5. Inconsistent with its neighbours, 4 Frederick Gardens has uPVC windows that currently undermine the unity of the terrace and detract from the character and appearance of the wider Conservation Area. The ground floor internal space is open-plan and accommodation in the existing rear extension fairly cramped. From the rear of the property, the closeness of surrounding buildings and the limited extent of the rear courtyard, and that of 3 Frederick Gardens, is particularly apparent. While what little external space there is does contribute some relief from the proximity of built form locally, the function of these spaces is considerably limited by their size.
6. The open-plan ground floor and relatively modern construction of the existing rear extension would suggest that the original plan form of the building has already, to some degree, been lost. Furthermore, I observed during my site visit that a number of the small rear courtyards locally have various footprints of development within them. There is no specific evidence to indicate why, in this instance, the original plan form of an unlisted building is of relevance or warrants specific preservation in its own right. I therefore do not consider that the loss of the existing narrow courtyard space, which cannot be seen from the public realm, would result in unacceptable harm to the building, the local area or the North Laine Conservation Area.
7. The small extension proposed would result in a modest increase in internal living space and, at single storey, would be diminutive in scale to the original dwelling. I therefore do not consider that the proposal would constitute overdevelopment of the appeal site. While I accept that the roof form is a digression from the existing flat-roof extension, I noted that 3 Frederick Gardens has a combined pitch and flat roof extension to the rear of the courtyard space, indicating that there is no prevailing type or design of rear extension roof form locally. Despite the angled pitch of the proposed roof, I do not consider this would result in any specific harm to the character or appearance of the building, the terrace nor the wider Conservation Area.
8. The proposal development includes replacement of the existing uPVC windows and 6-panel front door with timber, of a design more in keeping with the terrace as a whole. This aspect of the proposals would be an improvement; the proposal overall therefore would enhance the character and appearance of the Conservation Area and thus accord with Policy HE6 of the Local Plan and

Policies CP12 and CP15 of the City Plan, which amongst other things, seek to ensure the city's historic environment is conserved and enhanced. The proposed development would also accord with saved Policy QD14 of the Local Plan which relates to extensions and alterations and seeks ensure extensions are well designed.

### *Living conditions*

9. The proposed development would remove the strip of open courtyard space for the current and future occupiers at 4 Frederick Gardens. The unique context of the terrace, fronting a quiet pedestrian only access route, means the front garden is unusually private. Removing the rear courtyard altogether would not therefore result in the entire loss of useable outdoor amenity space. Furthermore, the beneficial attributes in terms of space for storage and the drying of clothes would be provided through the new internal spaces contained within the proposed extension. Overall, therefore, I consider that the living accommodation at 4 Frederick Gardens would not be materially harmed by the proposals. Local Plan Policy HO5 refers to the provision of private useable amenity space in new residential development and goes on to state that front gardens will be taken into consideration. Whilst the proposed development does not involve new development, I am satisfied that the front garden at the appeal property constitutes a usable amenity space; consequently I find no conflict with this Policy.
10. The existing situation to the rear of 3 and 4 Frederick Gardens is extremely constrained, with an already limited outlook and overall perception of enclosure. There is no doubt that the proposed development, through increasing the height of the party wall and removing the gap provided by the courtyard at 4 Frederick Gardens, would change the outlook and increase the sense of enclosure for residents at 3 Frederick Gardens. That said, given the extent to which the rear outlook from the properties along this terrace is already considerably restricted, I do not consider that this change would result in any significant harm to the living conditions of the neighbouring residents at 3 Frederick Gardens. I therefore do not find the proposed development would run contrary to saved Policy QD27 of the Local Plan, which seeks to protect the amenity of existing and future residents of a building and its neighbours, including in regard to outlook.

### **Conditions**

11. I do not consider it is necessary to impose a condition relating to the materials of external surfaces, as requested by the Council, as a satisfactory level of detail is provided by the approved plans. For the avoidance of doubt and to ensure a satisfactory development in the interests of good planning, I have imposed a condition requiring the development to be carried out in accordance with the approved plans.

### **Conclusion**

12. For all of the above reasons, I conclude that the appeal should be allowed.

*H Porter*

INSPECTOR



## Appeal Decision

Site visit made on 3 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3142706**

**Land rear of 87 & 89 Cowley Drive, Woodingdean, Brighton BN2 6WD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Darren Barnett against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02150, dated 5 June 2015, was refused by notice dated 10 September 2015.
  - The development proposed is demolition of the existing garage and erection of a two bedroom dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies. Policies CP12 and CP14 of the CP replaced Policies QD1, QD2 and QD3 of the LP that were referred to in the decision notice. Policies QD27 and HO5 of the LP have not been superseded and remain part of the adopted development plan.

### Main Issues

3. The main issues in this appeal are:
  - the effect of the proposed dwelling on the character and appearance of the area;
  - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 87 and 89 Cowley Drive with particular regard to privacy and outlook.

### Reasons

#### *Character and appearance*

4. Donnington Road comprises a mix of detached bungalows and chalet bungalows to the rear of 87 Cowley Drive, with semi-detached two storey
-

houses opposite. Cowley Drive mainly comprises two storey terraced housing, mostly with long rear gardens. 87 Cowley Drive comprises an end of terrace two storey property on the junction with Donnington Road, no. 89 being the next attached house on the terrace. No. 87 has a substantial front and side garden enclosed by a hedge and facing the roads, with the front door opening toward Donnington Road. The rear gardens of nos. 87 and 89 are modest compared to other houses in Cowley Drive, the garage serving no. 87 located at the end of the garden.

5. The proposal is to demolish the garage and replace it with a chalet bungalow, removing most of the private garden to no. 87. The plot size would be small compared to other properties in Donnington Road with limited space to the sides of the proposed dwelling and a small rear garden of unusual shape. These factors, combined with the proposed dwelling being slightly forward of neighbouring properties, would result in a loss of the space between buildings that would be detrimental to the open appearance of this location and the proposed house would appear squeezed into the site.
6. The house would be a modest chalet bungalow, with three dormer windows facing the road. Other bungalows on Donnington Road do not generally have dormer windows facing the road. Other aspects of the design would reflect the mixed character of properties in the locality. However, the dormer windows proposed would result in an overdeveloped roof facing the road that would not reflect the character and appearance of surrounding development.
7. Consequently, I conclude that the small plot and design of the proposed dwelling would result in the development appearing incongruous and would not reflect the character and appearance of the surrounding area. As such, the development would conflict with Policies CP12 and CP14 of the CP that seek to ensure development is of a high standard of design that respects the character and appearance of the area.

*Living conditions of neighbouring occupiers*

8. The proposed development would provide a dwelling in close proximity to the rear elevation of no. 87 that is may contain windows or patio doors following demolition of the small extension. This proximity means that the proposed dwelling would dominate those windows or doors and the small retained rear garden area, adversely affecting the living conditions of occupiers of no. 87.
9. There would be more of a gap between no. 89 and the proposed building that would ensure the effects on living conditions of residents in the house would not be materially affected. However, the proposed development would dominate the remaining garden area, as such having an adverse effect on the outlook of occupiers of that property.
10. Three obscure glazed first floor windows would be provided facing toward the rear garden of no. 89. It has been suggested that these would give the perception of overlooking of that garden and that the obscure glazing would be hard to control by the Council. I consider that obscure glazing would be sufficient to overcome harmful overlooking, or the perception of overlooking, of the garden of the neighbouring dwelling such that overlooking would not materially affect the living conditions of neighbouring occupiers. A condition could be provided requiring obscure glazing to be retained on those windows



and I am satisfied that the Council would be able to adequately control this matter.

11. As a result, the proposed development would have an adverse effect on the outlook of 87 and 89 Cowley Drive, harming the living conditions of those neighbouring occupiers. As such, the proposal would be contrary to Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.

*Other matters*

12. I understand that the site was subject of an application and appeal for a similar form of development in 2008. However, I have been provided with limited information on that application and have considered the current scheme on its merits.
13. The rear garden proposed would provide some outdoor amenity space for the occupiers of the proposed dwelling. Although small, it would be sufficient to meet the needs of those occupiers. The retained rear garden of no. 87 would also be small, but the front and side gardens of that property are larger and enclosed by a substantial hedge. As such, adequate private outdoor amenity space would be available for occupiers of that dwelling. Consequently, the proposals would meet the requirements of Policy HO5 of the LP that requires private useable amenity space be provided in new residential development.
14. My attention has been drawn to other developments in the locality. That to the rear of 107-111 Cowley Drive is located at the end of Pinfold Close, a less conspicuous location and the design has less front dormer windows. The house to the side of 109 Cowley Road is also a less prominent location and appears as an extension to that terrace, with a modest rear garden area. That at 13 Broad Green is similar in location, but the plot was wider than this site such that it gives the appearance of significantly more space around that property than around the proposed development. In addition, I note that development also has less dormer windows. Consequently, I consider that those developments are materially different from the proposed dwelling.
15. The proposal would provide an additional modest house within the urban area that would assist in meeting the Council's housing requirements as set out in the CP that confirms how the Council would provide for their 5 year housing land supply. The proposed development would only contribute a single additional unit to that supply. Consequently, the effect of the development on the character and appearance of the area and living conditions of neighbouring occupiers would significantly and demonstrably outweigh the benefit of providing a single dwelling.

**Conclusion**

16. On the basis of the above considerations, I conclude that the appeal should be dismissed

*Andrew Steen*

INSPECTOR



## Appeal Decision

Site visit made on 3 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 June 2016**

---

### **Appeal Ref: APP/Q1445/W/16/3142344 14 Portland Villas, Hove BN3 5SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Emery against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00279, received by the Council on 26 January 2015, was refused by notice dated 29 September 2015.
  - The development proposed is demolition of existing property and erection of new detached house.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided copies of the adopted CP Policies and retained LP Policies relevant to the appeal, which included Policies CP12 and CP14 of the CP and Policy QD27 of the LP. Policies QD1, QD2, QD3 and QD14 of the LP that were referred to in the reasons for refusal were not forwarded. Policy QD14 of the LP related to extensions and alterations to existing buildings so did not appear to be directly relevant to the proposed development. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.
3. Revised plans were submitted during the course of the planning application, following discussions with the Council. I understand that these were the plans considered by the Council in coming to its decision and I have based my decision on these later plans.

### **Main Issues**

4. The main issues in this appeal are:
    - the effect of the proposed replacement dwelling on the character and appearance of the site and surrounding area; and
-

- the effect of the proposed replacement dwelling on the living conditions of neighbouring occupiers at 12 Portland Villas with particular regard to outlook and light.

## **Reasons**

### *Character and appearance*

5. Portland Villas comprises houses of a variety of designs and styles, including a mix of detached and semi-detached bungalows and two storey houses. Most houses are traditional in appearance, including Victorian properties and later development that seeks to reflect that style. No. 14 is a detached bungalow and the properties to either side are two storey semi-detached houses.
6. The proposed building would contain a dormer window to the front and extensive flat roof over the proposed dwelling. The shape of the roof would contrast with surrounding dwellings that do not have dormer windows to the front and the depth of surrounding houses is provided by projections to the rear with pitched roof at right angles to the main roof. Consequently, the roof configuration, including dormer and large flat roof, would appear bulky and prominent compared to other dwellings in the street.
7. The front elevation of the proposed dwelling includes full height glazing that would provide a vertical emphasis to the design of the building and draws further attention to the height and bulk of the roof. The amount of glazing would be greater than that of surrounding houses, particularly at first floor level. The proposed materials, in particular the limestone block walling and metal roofing, would not reflect those of surrounding dwellings.
8. The combination of the dormer window to the front elevation, bulk of the roof, the amount and design of glazing and proposed materials would mean that the proposed dwelling would appear incongruous within the street scene and would dominate the surrounding buildings. As such, the proposed replacement dwelling would harm the character and appearance of the site and surrounding area.
9. For these reasons, I conclude that the development is contrary to Policies CP12 and CP14 of the CP that seek to ensure development is of a high standard of design that respects the character and appearance of the area.

### *Living conditions*

10. The shape of the proposed dwelling, with flat roof over much of the second floor, would present a tall and bulky elevation in close proximity to neighbouring occupiers at no. 12. That property has a number of rear and side windows on the side closest to the proposed building. The height and bulk of the proposed building would dominate those windows, causing harm to the living conditions of occupiers of that neighbouring property.
11. The Council suggest that the height and bulk of the proposed building in close proximity to the property boundary would affect the amount of light to windows in the side of no. 12. However, the orientation of the proposed dwelling in relation to no. 12 would mean that the effect is restricted. As such, the proposed development would not materially affect overshadowing to windows or the rear garden area of that property. Consequently, the proposed

development would not result in an unacceptable loss of daylight or sunlight to occupiers of that property.

12. For these reasons, I conclude that the proposed replacement dwelling would have a harmful effect on the outlook of neighbouring occupiers at 12 Portland Villas, contrary to Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.

*Other matters*

13. My attention has been drawn to other contemporary designs that have been incorporated into similar areas elsewhere in the city. Although the current proposals would not reflect the character and appearance of the site and surrounding area, an alternative contemporary design may better reflect that character and appearance. I do not accept that a similar design to other buildings in the street would necessarily confuse collective unity, nor that dismissing this appeal would necessarily result in a building that would be a poor reflection or imitation of the more traditional designs in the street.
14. I note that the appellant has received support from the local Councillor and neighbours and that the scheme was revised during the course of the application following discussions with the Council. However, I do not consider that these matters overcome the harm to the character and appearance of the area and to the living conditions of occupiers of 12 Portland Villas.

**Conclusion**

15. On the basis of the above considerations, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR



---

## Appeal Decision

Site visit made on 10 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3141806**

**22 St Mary Magdalene Street, Brighton BN2 3HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mrs Laura Dwyer-Smith against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03223, dated 3 September 2015, was refused by notice dated 1 December 2015.
  - The development proposed is change of use from C3 (dwelling house) to C4 (small house in multiple occupation).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development has been completed and the property is occupied by students as a small house in multiple occupation.
3. There is an Article 4 Direction in place in this part of Brighton that restricts changes of use such that planning permission is required for the change of use from dwelling under use class C3 to small house in multiple occupation under use class C4.
4. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within this plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies. Policy QD27 of the LP, which was referred to in the Council's reason for refusal, was not superseded and remains part of the adopted development plan. Policy CP21 of the CP submission document, also referred to in the Council's reason for refusal, has been adopted and now forms part of the development plan.

### Main Issue

5. The main issue in this appeal is whether the development and any associated increase in noise and disturbance would undermine the provisions of the development plan aimed at providing healthy and mixed communities across the city.
-

## Reasons

6. It is alleged by the Council that the over-concentration of houses in multiple occupation in an area leads to increased noise and disturbance for other residents and they present government research justifying that concern, alongside other evidence including a summary of Environmental Health records of noise complaints. I understand that these were the reasons given for introducing the Article 4 Direction in this part of the city.
7. In order to address these issues, Policy CP21 of the CP, at section ii), seeks to restrict changes of use to houses in multiple occupation where more than 10% of dwellings within 50m of the site are in that use. In this case, there is no dispute that the proposed development would result in at least 10% of dwellings within 50m of the site being houses in multiple occupation, such that the proposal is contrary to that policy. I understand this proportion is considered too low by the appellant, but has been tested at examination and now forms part of the adopted policy.
8. Properties in St Mary Magdalene Street and surrounding roads are generally well kept and, other than a number of letting boards, it is not obvious which properties are in use as houses in multiple occupation. I agree that not all such properties create noise and disturbance and that the number of residents of a dwellinghouse within use class C3 can be similar to the number in a house in multiple occupation.
9. However, based on the evidence presented by the Council, the change of use would result in the proliferation of houses in multiple occupation that would result in an unacceptable increase in noise and disturbance for neighbouring residents. I conclude that this adverse effect upon the living conditions of existing residents would not lead to a healthy and mixed community in this part of the city and would be contrary to Policy CP21 of the CP which seeks to provide for a range of housing needs within the city and Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.
10. Policy HO14 of the LP remains part of the adopted development plan and seeks to protect non-self contained accommodation, such as houses in multiple occupation, that are of acceptable standard and meet the need for this type of accommodation within the city. The development proposed would not lead to the loss of such accommodation.
11. I note that the site is in a convenient location in relation to shopping and eating facilities and provides adequate accommodation for the residents. Good public transport provision is available a short distance from the site and it is within cycling distance of the city centre and the Universities of Brighton and Sussex.
12. The appeal decision at 30 Colbourne Avenue, Brighton (reference APP/Q1445/A/14/2214205) pre-dates adoption of Policy CP21 of the CP as part of the development plan. In addition, I have been provided with limited information on that case. Other cases have been provided with limited information and relating to other Council areas with different planning policies. For those reasons, I do not consider these are directly comparable to the appeal before me.
13. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in



accordance with the Framework as a whole. There are no provisions within the Framework that relate directly to houses in multiple occupation, but it does confirm that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

14. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. Residents of the property would bring economic benefits to the local area and would contribute to the need to provide student accommodation in an accessible location close to services and facilities. However, the social and environmental harm arising from the noise and disturbance to living conditions of neighbouring occupiers and the adverse effect on the healthy and mixed community of the area would significantly and demonstrably outweigh these economic and social benefits. For these reasons, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR



---

## Appeal Decision

Site visit made on 10 May 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3144552**  
**Flat 2, 19 Compton Road, Brighton BN1 5AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Ms Suzanne Farrell against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03830, dated 21 October 2015, was refused by notice dated 20 January 2016.
  - The development proposed is conversion of loft to create additional bedroom and en-suite bathroom, accessed by new set of stairs from first floor and to include rear dormer.
- 

### Decision

1. The appeal is allowed and planning permission is granted for conversion of loft to create additional bedroom and en-suite bathroom, accessed by new set of stairs from first floor and to include rear dormer at Flat 2, 19 Compton Road, Brighton BN1 5AL in accordance with the terms of the application, Ref BH2015/03830, dated 21 October 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and drawing numbers CR1, CR2, CR3 and CR4.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update and the appellant was given the opportunity to comment on this. I have based my decision on the current adopted policies. Policy QD14 of the LP, which was referred to in the Council's reason for refusal, was not superseded and remains part of the adopted development plan.
-

### **Main Issue**

3. The main issue in this appeal is the effect of the proposed rear dormer window on the character and appearance of the building.

### **Reasons**

4. 19 Compton Road is a mid-terraced two storey house that has been converted into two flats, one on each floor. It is proposed to construct a dormer roof over the rear of the building in order to provide an additional bedroom and en-suite bathroom in the roofspace for the upper floor flat. The configuration of the building, with the rear outrigger extending from the main building and blocking views toward the roof, means that the proposed dormer window would be visible from only a small number of surrounding properties. A small number of other properties within the terrace and along Compton Road have dormer windows of a variety of styles and sizes.
5. The proposed dormer window would be located centrally within the roofspace rather than above existing windows in the building. Those windows are to the side of this terraced property with the outrigger covering much of the rear. As a consequence, locating a dormer window above the existing windows would unbalance the building and, as such, it would be most appropriate to locate a dormer window centrally, as proposed.
6. The sash windows, doors and overall shape of the property provide a vertical emphasis to the appearance of the rear elevation, which contrasts with the more horizontal emphasis of the shape of the roof. This would be reflected in the proposed dormer window that would contain two sash windows that each match the width of the sash windows in the rear of the building. The windows are shorter than the sash windows below, thus ensuring that the proposed dormer window would be subservient to the appearance of the building as a whole.
7. The proposed dormer window would be located away from the sides of the roof, without cladding to either side of the windows or below and with a minimal supporting structure, such that it would not appear as a box dormer. Fascia elements would reflect the scale of other elements of the building. The top of the proposed roof of the dormer window would be located sufficiently below the ridge of the roof such that it would not appear unusually high. Consequently, the dormer window would be modest in size and would appear subordinate to the roof of this terraced property.
8. For the above reasons, I conclude that the proposed dormer window to the rear would not harm the character and appearance of the building. As such, it would be in accordance with Policy QD14 of the LP and the Supplementary Planning Document 12: Design Guide for Extensions and Alterations that seek to ensure extensions and alterations to properties are well designed and protect the character and appearance of the area.
9. I note a neighbour has queried the effect of the proposed dormer window in terms of loss of privacy and overshadowing. Given the nature of the development, there would be no overshadowing of neighbouring garden areas or windows and this additional window would not materially add to the amount of mutual overlooking in this residential area.

**Conditions**

10. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for materials to match those used on the existing building to maintain the character and appearance of the area. I have amended the wording of conditions suggested by the Council in the interests of clarity.

**Conclusion**

11. On the basis of the above considerations, I conclude that the appeal should succeed.

*Andrew Steen*

INSPECTOR



---

## Appeal Decision

Site visit made on 24 May 2016

**by Clive Hughes BA(Hons) MA DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3142446**  
**150 Saltdean Vale, Saltdean, Brighton BN2 8HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Donald Campbell against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01799, dated 19 May 2015, was refused by notice dated 14 July 2015.
  - The development proposed is described as "creation of a one bedroom self-contained, energy efficient dwelling".
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) 2015 for the change of use from retail (A1) to self-contained flat (C3) with external alterations to front and rear at 150 Saltdean Vale, Saltdean, Brighton BN2 8HF in accordance with the terms of the application Ref BH2015/01799 dated 19 May 2015 and the plans submitted with it subject to the conditions set out in Paragraph M.2(3) of the above Order and the following additional condition:
  - 1) No development shall take place until full details of the proposed front door and front entrance have been submitted to and approved in writing by the Local Planning Authority. These details should omit the canopy as shown on Drawing No P05. The development shall be carried out in accordance with the approved details prior to the first occupation of the self-contained flat hereby permitted and the approved front door and entrance shall be so retained thereafter.

### Procedural Matters

2. The Council has described the development as "Prior approval for change of use from retail (A1) to self-contained flat (C3) with external alterations to front and rear". This is a fuller description of the proposed development and I have used it for this Decision.
  3. The provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) require the Local Planning Authority to assess the proposed development with regard to a number of criteria. In this case the objections raised by the Local Planning Authority relate solely to the detrimental impact that the change of use would
-

have on the adequate provision of services of the sort that may be provided by a building falling in Class A1 to the locality.

### **Main Issue**

4. The main issue is whether it is undesirable for the building to change to a Class C3 use due to its impact on the adequate provision of services of the sort that may be provided by a building falling in Class A1 or A2 subject to the reasonable prospect of the building being used to provide such services.

### **Reasons**

5. The Council's Officers' Report confirms that the appeal property does not fall within a key shopping area. The parade is not classified as a local, district, town centre or regional shopping centre. It lies within a parade of 9 units on the ground floor of a three-storey building that stands out as it is located within a low density residential area surrounded mainly by detached and semi-detached bungalows. One of the units, No 152, immediately adjoining the appeal property, has been converted into residential use. The other uses in the parade include a convenience store, a hairdresser's and a hot food takeaway. Two other units appear to be in office use. Others appear to be vacant but due to closed blinds and the lack of signage the use of some units is unclear.
6. No 150 is situated close to the northern end of the parade next to a dwelling and the hairdresser's. The SNK Convenient Store, and possibly also the hairdresser's, is the only unit that appears to rely on passing trade. The takeaway was closed at the time of my visit; the opening hours were not on display. Overall, due to the number of vacant units and the closed blinds in other units, the parade has a run-down and neglected appearance.
7. No 150 is currently vacant. It has a "to let" sign in its window. According to the appellant, and not contradicted by the Council, the premises have been continually vacant since 1986 apart from a short period between 1999 and 2001 when it was used for the sale of garden furniture. The appellant says that attempts to market the property have failed although no details of any attempts at marketing it have been provided.
8. I visited other parades in the area, in particular those at Lustrell's Vale and Longridge Avenue. While both had vacant units they did not convey the run-down atmosphere I found at Saltdean Vale. Anybody wishing to open a shop in this general area would be more likely to choose a unit in one of the more successful parades. I am not convinced that there is any real prospect of No 150 being re-opened as an A1 use. The hairdresser's would be likely to attract most of its custom from regular clients rather than passing trade. While I was in the vicinity of the parade there were no pedestrians in sight at any time. This was in sharp contrast to the other parades which appeared to be relatively busy.
9. The appeal property has been almost continually vacant for about 30 years and I do not consider that there is a reasonable prospect of a retail use coming forward. I note the Council's concerns regarding the lack of marketing evidence but in this case I conclude that the loss of this retail unit is reasonable. In these circumstances, and given the approved residential use in the adjoining unit, I do not consider that the loss of this retail unit would have an adverse effect on the adequate provision of such services in the area.



Therefore it is not undesirable for the unit to change to a use falling within Class C3 (dwelling houses).

10. Concerning the proposed alterations to the elevations of the unit, there are no objections to the minor alterations to the rear in which a new door and windows replace the present arrangements. On the front, however, the proposed canopy would appear wholly out of keeping with the other premises in the parade. This would be harmful to the appearance of the area. To overcome this harm I have imposed a condition in line with that suggested by the Council requiring the submission of details of the front elevation omitting this feature. No other conditions are necessary as the Order imposes a condition requiring the completion of the development within 3 years.
11. Overall, therefore, I conclude that conditional prior approval should be granted.

*Clive Hughes*

Inspector

