





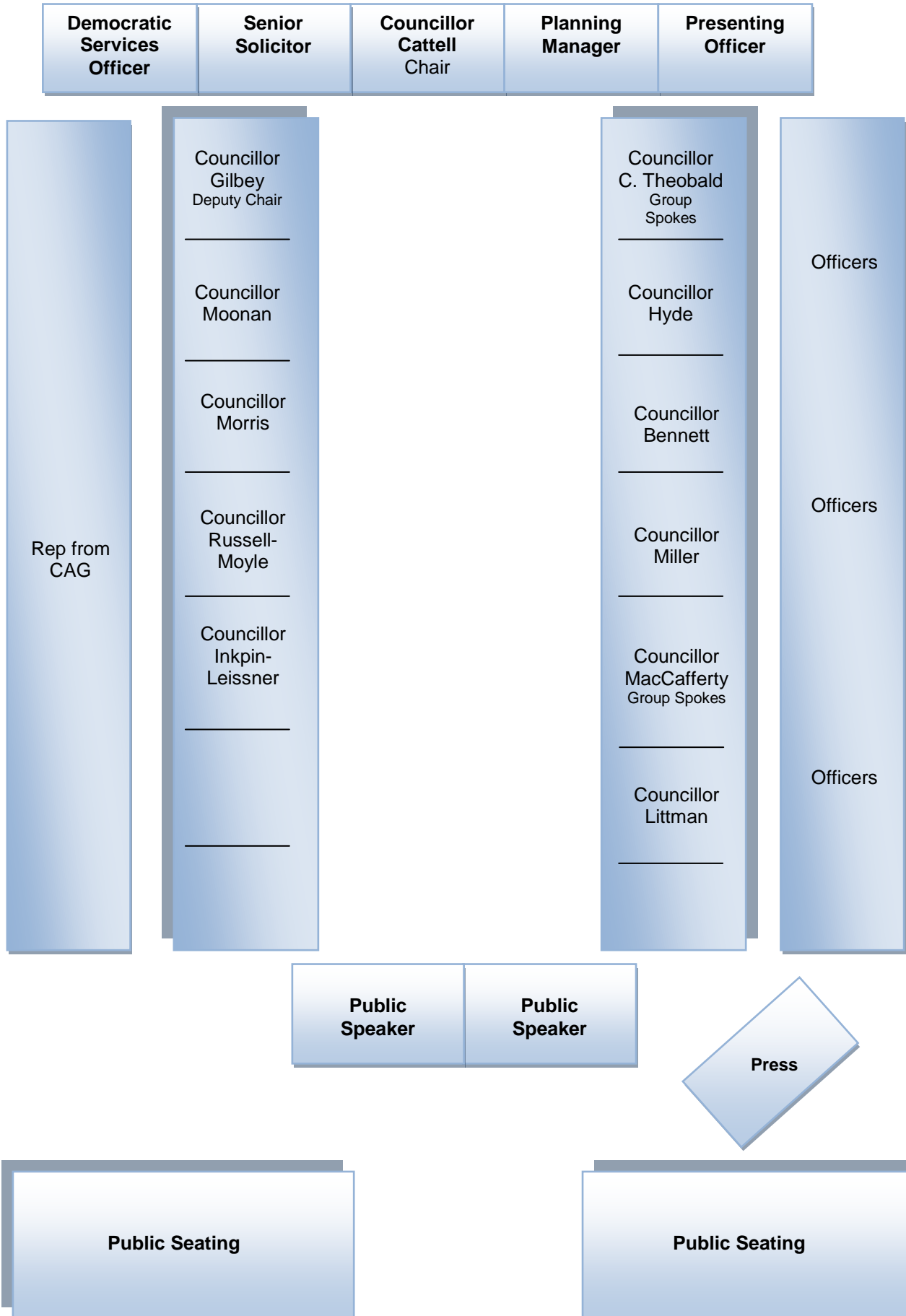
**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	8 March 2017
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morris, Moonan and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Manager 01273 29-1064/29-1354 planning.committee@brighton-hove.gov.uk</p>

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Democratic Services: Planning Committee



AGENDA

116 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

117 MINUTES OF THE PREVIOUS MEETING

Minutes of the previous meetings to be reported to 12 April meeting.

118 CHAIR'S COMMUNICATIONS

119 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 1 March 2017.

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

121 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2016/01784 - 113 Trafalgar Road, Portslade - Full Planning 1 - 16

Outline application with some matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

RECOMMENDATION – REFUSE

Ward Affected: South Portslade

MINOR APPLICATIONS

B BH2016/05687 - 23A Third Avenue, Hove - Full Planning Permission 17 - 30

Conversion of existing garage into (B1) office space with erection of a single storey rear extension, front extension and associated alterations.

RECOMMENDATION – GRANT

Ward Affected: Central Hove

PLANNING COMMITTEE

- C BH2016/05893 - Medina House, 9 Kings Esplanade, Hove - Full Planning 31 - 68**
Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Central Hove
- D BH2016/02812 - Flat 4, 18 Lewes Crescent, Brighton - Householder Planning Permission 69 - 78**
Internal alterations to layout of flat
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal
- E BH2016/06305 - 152 Birdham Road, Brighton - Full Planning 79 - 92**
Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4).
RECOMMENDATION – GRANT
Ward Affected: Moulsecoomb & Bevendean
- F BH2016/05889 - 161 Elm Drive, Hove - Full Planning 93 - 104**
Demolition of outbuildings and erection of 1no two bedroom dwelling (C3) incorporating new crossover
RECOMMENDATION – REFUSE
Ward Affected: Hangleton & Knoll
- G BH2016/05739 - 57 Tongdean Avenue, Hove - Full Planning 105 - 118**
Erection of 1no five bedroom single dwelling (C3) with double garage associated landscaping, replacement of boundary walls and gate
RECOMMENDATION – REFUSE
Ward Affected: Hove Park
- H BH2016/02841 - Block C, Kingsmere, London Road, Brighton - Full Planning 119 - 134**
Erection of roof extension to from four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works
RECOMMENDATION – GRANT
Ward Affected: Withdean

PLANNING COMMITTEE

- I BH2016/02846 - 17 Bampffield Street, Portslade - House Planning Permission** 135 - 154
- Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works
- RECOMMENDATION – MINDED TO GRANT**
Ward Affected: South Portslade
- J BH2016/06251 - Land At Roedean Path, Brighton - Full Planning** 155 - 172
- Erection of a 2 storey plus basement dwelling (C3) with associated garden and parking
- RECOMMENDATION – REFUSE**
Ward Affected: Rottingdean Coastal
- K BH2016/05662 - Russell House, Russell Mews, Brighton - Full Planning** 173 - 182
- External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3)
- RECOMMENDATION – GRANT**
Ward Affected: Regency
- L BH2016/02957 - First Floor Flat, 84 New Church Road, Hove - Householder Planning Permission** 183 - 192
- Conversion of semi-detached residential rear garage into study with toilet/shower room and replacement of garage door with glazed doors. (Retrospective)
- RECOMMENDATION – GRANT**
Ward Affected: Westbourne
- M BH2016/05330 - Flat 2, 11 Sillwood Place, Brighton - Householder Planning Permission** 193 - 202
- Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat
- RECOMMENDATION – GRANT**
Ward Affected: Regency

PLANNING COMMITTEE

- N BH2016/05331 - Flat 2, 11 Sillwood Place, Brighton - Householder Planning Permission** **203 - 210**

Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat

RECOMMENDATION – GRANT

Ward Affected: Regency

- 122 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

- 123 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

No new presentation or request to update.

- 124 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **211 - 224**

(copy attached)

- 125 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **225 - 228**

(copy attached).

- 126 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **229 - 230**

(copy attached).

- 127 APPEAL DECISIONS** **231 - 266**

(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>

PLANNING COMMITTEE

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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.

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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 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 28 February 2017

ITEM A

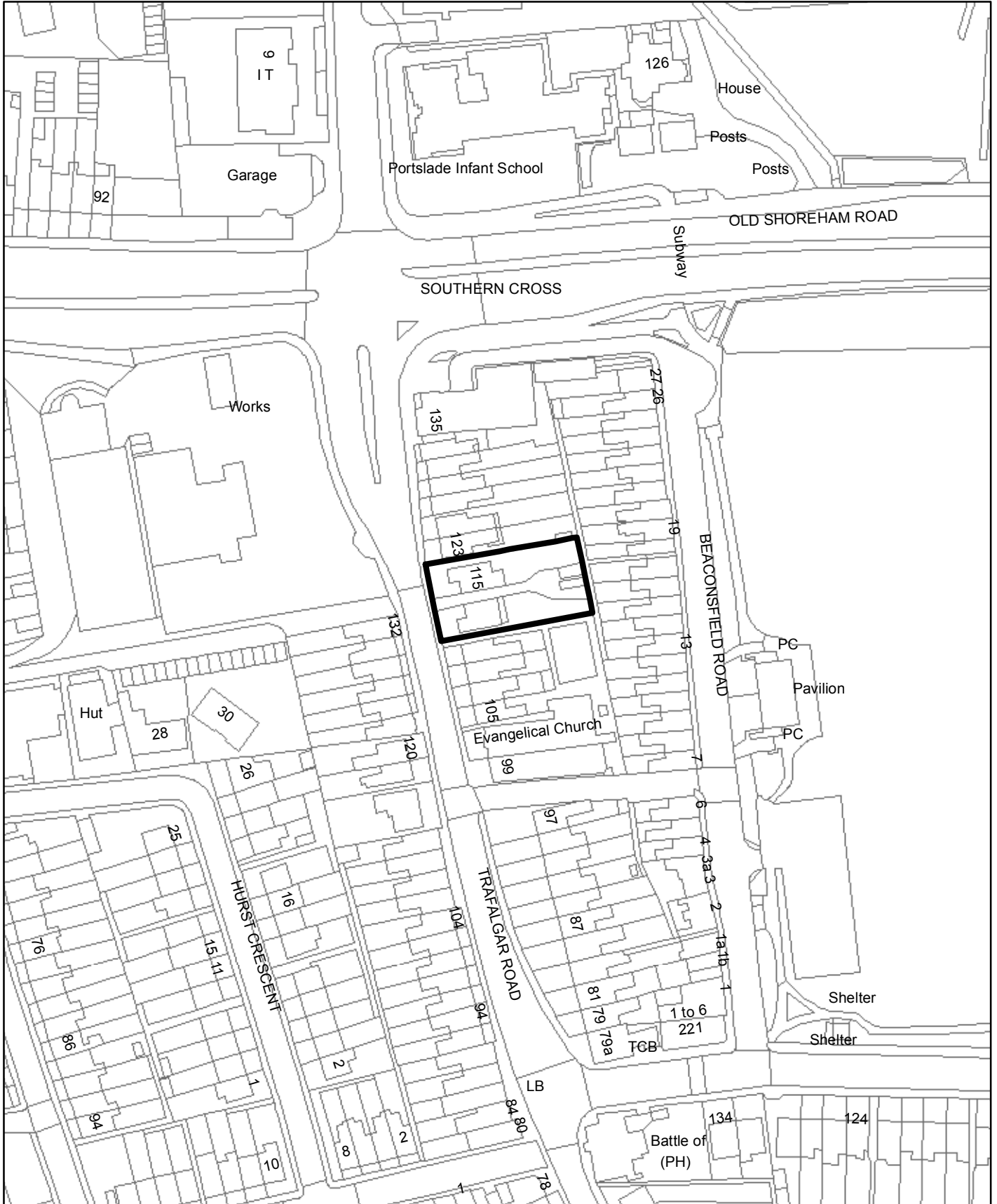
113 Trafalgar Road, Portslade

BH2016/01784

Outline Application All Matters Reserved

DATE OF COMMITTEE

BH2016/01784 113 Trafalgar Road, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,343

<u>No:</u>	BH2016/01784	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Outline Application All Matters Reserved		
<u>Address:</u>	113 Trafalgar Road, Portslade		
<u>Proposal:</u>	Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	20.06.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Gosling, 78 Potters Lane, Burgess Hill, West Sussex, RH15 9JS		
<u>Applicant:</u>	Mr H Cooper, 115 Trafalgar Road, Portslade, BN41 1GU		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that it **WOULD HAVE REFUSED** planning permission, had an appeal against non-determination not been made, for the following reasons:

- 1 The proposed provision of 8 no. 1 bed and 4no. studio flats on this site would not reflect the urban grain of the area or the surrounding context, therefore failing to emphasise and enhance the positive qualities of the local neighbourhood, and would represent overdevelopment. The proposal is thereby contrary to Brighton & Hove City Plan Part One policies CP12, CP19 and SA6.
- 2 The applicant has not committed to complying with the requested developer contributions, towards affordable housing, open space and indoor sport, sustainable transport, and the Council's local employment scheme, and has not justified this through a financial viability assessment of the scheme, contrary to Brighton & Hove City Plan Part One policies SA6, CP2, CP7, CP9 and CP16.

Informatives:

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

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	340.12.03	A	20 June 2016

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site comprises two detached bungalows on land to the east of Trafalgar Road. The site incorporates an open frontage with central crossover providing access to the rear of the site and detached garages (incidental to the residential bungalows). The immediately surrounding area is predominantly residential characterised by terraced dwellinghouses.
- 2.2 Outline planning permission is sought, with all matters reserved, for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping. The indicative plans incorporate a two-storey building with accommodation in the roof, with asymmetrical gabled roof forms, with private amenity space to the rear and off-street parking to the front curtilage.

3. **RELEVANT HISTORY**

113-115 Trafalgar Road

BH2013/03498 - Outline application for the demolition of existing bungalows and erection of 4no. three bedroom houses - Approved 04/06/2014

BH2013/01231 - Outline application for the demolition of existing bungalows and erection of 5no three bedroom houses. Refused 04/07/2013.

Land rear of 113 Trafalgar Road

BH2006/01199: Erection of new dwelling to rear. Refused 05/06/2006, dismissed at appeal 09/02/2007.

Land rear of 115 Trafalgar Road

BH2006/01201: Demolition of garage to rear and erection of new dwelling. Refused 05/06/2006, dismissed at appeal 09/02/2007.

BH2005/05533: Erection of two storey dwelling on land to rear of 115 Trafalgar Road. Refused 16/12/2005.

BH2004/01082/FP: Extension to rear and first floor. Approved 27/05/2004

4. **REPRESENTATIONS**

- 4.1 **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- Roof height would result in overshadowing and loss of light to adjoining properties;
- Overlooking and loss of privacy to adjoining properties;
- Lack of proposed parking;
- The design would be at odds with surrounding properties;
- Illumination of development would affect neighbours;
- Increased noise and disturbance
- Lack of bin and cycle storage details

4.2 **Four (4)** letters have been received in support of the proposed development for the following reasons:

- Development would benefit the area
- Would provide affordable flats for young people

5. CONSULTATIONS

5.1 **Sustainability:** No objection

The residential development will be expected to deliver the minimum standards for energy and water efficiency as set out in City Plan Policy CP8:

- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013. (Equivalent to energy performance of Code for Sustainable Homes Level 4).
- Water efficiency standards of 110 litres/person/day (equivalent to water performance standards from outgoing Code for Sustainable Homes to Level 4).

5.2 The scheme will also be expected to set out how it responds to other aspects policy CP8:

5.3 Policy CP8 sets out issues relating to sustainability that should be addressed by applications. These include for example: addresses climate change mitigation and adaptation; minimisation of greenhouse gas emissions; use of renewable technologies; decentralised energy; water neutrality; improvements to existing buildings; health; use of design, orientation, form, layout, landscaping and materials (passive design) to maximise natural light and heat; reduces 'heat island effect' and surface water run-off; sustainable materials; enhance biodiversity; minimises waste and facilitates recycling, composting; reduces air, land and water pollution; ongoing improvement of building performance; encourages users to reduce their ecological footprint; is adaptable to changing needs; and encourages food growing.

5.4 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development. Standard sustainability conditions for water and energy efficiency should be applied.

5.5 **Education:** No objection

A development of this size would generate just one or two pupils for each of the primary and secondary phases. At the present time there is sufficient capacity on the local primary schools to accommodate this level of additional pupil numbers. The development is in the catchment area for PACA which also has sufficient capacity to accommodate any pupils generated by this development. As a result the team would not be looking for a contribution towards the cost of education infrastructure if this development was to proceed.

- 5.6 **Sussex Police: No objection**
It is disappointing to note that the Design and Access Statement submitted in support of the application failed to mention any crime prevention measures to be incorporated into the design and layout. The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design and layout of the development.
- 5.7 Where communal living occurs it is important to have access control to the building. To that end a communal entry door with audio / visual access control with remote entry from the flats is to be installed. Trade person button must not be used.
- 5.8 External doors, communal, patio and flat front doors along with any ground floor or easily accessible windows are to conform to PAS 024-2012 or their equivalent.
- 5.9 It is recommended that the postal arrangements are as follows; through the wall, exterior or lobby situated secure post boxes. It is strongly urged the applicant not to consider letter apertures within the flats front doors. The absence of the apertures removes the opportunity for lock manipulation, fishing and arson.
- 5.10 It is recommended that a small set of railings and gate to demarcate the front of the property creating a clear boundary between public and private space. Failing that, a defensive planting to the front of the vulnerable front windows of the ground floor flats is recommended.
- 5.11 Access to the rear of the property from the side should be controlled with a 1.8 metre high lockable timber gate.
- 5.12 Where lighting is to be implemented to the front of the building it should conform to the recommendations within BS 5489:2013.
- 5.13 It is recommended, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.
- 5.14 **City Clean: No Objection**
CityClean have a number of set guidelines for new developments as set out in the PAN05 document. The maximum trundle distance from the bin stores to the collection point should be 25m; this should be reduced to as little as possible. The gradient of this trundle distance should also be no greater than 1:25. There should be no steps between the storage area and the point of collection and all curbs should be dropped to between 6mm and 12 mm. Double doors giving a clear opening of 1830mm and a height of 1830mm should be fitted in the bin stores. The bin store should be as close to the curtilage as possible for ease of

collection. The position of the bin store should be as close to the front of the development as possible.

5.15 County Archaeology: No Objection

The site is not within an Archaeological Notification Area and the team do not consider it likely that the works will have a significant archaeological impact.

5.16 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.

5.17 The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. Also, although the applicant has referred to walking in the supporting evidence, they have not referred to mobility and visually impaired access. In planning terms not only do properties have to be Disability Discrimination Act 1995, the Equality Act 2010 and United Nations (UN) Convention on disability rights compliant but so does the transport network (roads and railways) and services (buses, trains, taxis, emergency services) that supports it. Although footways in the vicinity of the site have been improved over the years by developer contributions and government funds there are still bus stops along Trafalgar Road that for the applicant's benefit need improving to extend the transport network.

5.18 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 bus real-time information sign at the southbound "Battle of Trafalgar bus stop. 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 schools, shops and employment in Mile Oak, Boundary Road, Hove, the City Centre, Royal Sussex County Hospital and Whitehawk leisure facilities in particular that we know of at this point in time.

5.19 The applicant has kindly offered to install 12 cycle parking spaces in their supporting evidence however this is insufficient in numbers, the store needs to be near the front entrance and there is insufficient detail therefore cycle parking is requested by condition.

5.20 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars), well lit, well signed, near entrances and wherever practical, sheltered. As the applicant does not appear to have supplied this detail with his supporting evidence it will be requested by condition. It should be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for some people to use and therefore not considered to be policy compliant. As an alternative the Highway Authority approves the use of covered, illuminated, secure Cycle Works Josta 2 tier cycle rack(s) that will store one cycle above another. Also, the Highway Authority approves the use of covered, illuminated,

secure Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated secure cycle storage where appropriate.

- 5.21 The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.
- 5.22 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.23 The applicant is proposing changes to the narrow (it looks larger at the moment as the carriageway has been built too far up the kerbs) vehicle access arrangements onto the adopted (public) highway and for this development this is in principle deemed acceptable. However the proposed parking area is too narrow and car doors will open across the footway even if they were perfectly parked and it will need to cater for at least medium size vans as used as ambulances, food store delivery, parcel delivery and service vehicles. Therefore it is requested that the Street Design condition and informative and the New/extended crossover condition and informative is attached to any permission granted.
- 5.24 The proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. It is noted that there is already concern about the levels and capacity of car parking in this area but it is not thought that this type of development in this area will generate a significant level of car parking demand and the applicant is proposing to support other more sustainable and accessible modes of transport to help improve the situation.
- 5.25 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 and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 5.26 To comply with Brighton and Hove Local Plan 2005 policies TR7, TR11 and TR12, CP9 of the City Plan Part One and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012 and amendments on 31st January 2015 the applicant is expected to make a financial contribution of £3000.
- 5.27 **City Regeneration:** No Objection
City Regeneration supports this application as the 12 dwellings(actual NET gain of 10 dwellings following demolition of existing dwellings) will contribute to addressing the city's challenging housing targets and needs.

If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £2,200 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement, including demolition phase. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).

5.28 County Ecologist: No Objection

No biodiversity checklist has been submitted with the application. However, from the information provided and an assessment of maps, aerial photographs and local biodiversity records, it is considered likely that a checklist would be negative. As such, there is no requirement to submit a biodiversity report with the application.

5.29 Sustainable Drainage: No Objection

The Lead Local Flood Authority (LLFA) has no objection in principle to the development proposal provided no development 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. This is to ensure that the principles of sustainable drainage are incorporated into this proposal.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
SA6 Sustainable Neighbourhoods
CP1 Housing delivery
CP2 Sustainable economic development
CP5 Culture and Tourism
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
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR7 Safe Development
TR14 Cycle access and parking
TR19 Parking standards
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 All matters are reserved and therefore the main considerations in the determination of this application relate to the principle of constructing 8no one bedroom flats and 4no studio flats on the site.

8.2 Principle of Development:

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 24th 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 Policy SA6 (part 8) seeks to deliver balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, and a mix of dwelling sizes and tenure types.
- 8.4 City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Part c of the policy states that sites coming forward as 'windfall' development, as in this case, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.5 Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.6 This is an out of town centre predominantly residential area, where the housing mostly consists of 2 or 3 bedroom terraced houses. The proposed mix of units in this development is 8no. 1 bedroom flats and 4no. studio flats. It is considered that the proposed mix is uncharacteristic of this non-central area, and does not provide an appropriate balance of studios/one bed /two bed and three bed units. The proposal is therefore considered contrary to Brighton & Hove City Plan Part One policies CP12, CP19 and SA6.
- 8.7 **Affordable Housing:**
Policy CP20 would apply to the proposed development, which proposed 10 (net) dwellings. Policy CP20 seeks 30% affordable housing, which can be provided on site (based on 3 affordable units in this instance) or as a commuted sum (based on 3 no. 1 bed flats which would equate to £262,500). The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City.
- 8.8 However, the applicant has not offered any affordable housing and no viability assessment has been submitted in relation to this application. Therefore, the application is contrary to City Plan Part One policies SA6, CP7, CP19 and CP20, and should be refused on this basis.
- 8.9 **Other Developer Contributions:**
Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in

accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

- 8.10 The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Open Space - contribution of £16,498
 - Sustainable Transport - contribution of £3,000
 - Local Employment and Training - contribution of £2,200
- 8.11 However, the applicant has not agreed to offer any contributions and no viability assessment has been submitted. On this basis, it is considered that the development would be contrary to the NPPF and policies SA6, CP2, CP7, CP9, CP13, and CP16 of Brighton & Hove's City Plan and saved policy HO12 of the Local Plan, and the application should be refused on this basis.
- 8.12 **Character and appearance:**
The application site currently comprises two detached bungalows with a shared central access. This form and scale contrasts with adjoining development on Trafalgar Road which is dominated by rows of two-storey terraced housing.
- 8.13 The application is outline with all matters reserved. The indicative plan submitted with the application indicates a design, scale, form, detailing and use of materials. The plans show the provision of a modern two storey building with additional accommodation at second floor level within the roof. It would be one single building; however it would take the form of two separate properties, due to a centralised section containing the main entrance being set within the building. The pitched slate roof would appear as two sections from the front. Render and timber cladding would be the main external materials of the building. It is considered that the proposed building, by virtue of the indicative design, form and scale would result in an incongruous and dominant development that would subsequently be harmful to the visual amenities of the Trafalgar Road street scene and the wider area.
- 8.14 However, as the outline application does not seek approval of 'appearance', or 'access' these concerns would need to be addressed as part of a reserved matters application.
- 8.15 **Standard of Accommodation:**
The development would create 12 dwellings on the site, and future occupiers would be able to use the shared garden to the rear.
- 8.16 The Local Planning Authority does not have adopted space standards, however for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document states that a one bedroom residential unit for 1 person should have a floor area of at least 39m², and for 2 persons it should have a floor area of at least 50m². The proposed residential studio units would have a floorspace of approximately 26.4m² (excluding the area that does not have full head height), and the 1 bedroom units (which could accommodate 2 persons) would have a floorspace

of approximately 40.7 m². The units are therefore below these standards. The overall size and layout of the dwellings despite the amendments made are considered to have a cramped arrangement. The indicative furniture layout, and the lack of head height within the second floor studio flats, would leave future occupiers with very cramped living conditions and minimal circulation space and potential for storage space. However, as the outline application does not seek approval of 'layout' these concerns would need to be addressed as part of a reserved matters application.

- 8.17 The proposed dwellings would have acceptable levels of natural light and ventilation. 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, in compliance with the national Optional Technical Standards and policy HO13.
- 8.18 **Impact on amenity:**
Policy QD27 of the Brighton and Hove Local Plan relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent or proposed occupiers.
- 8.19 It is considered that the proposal would be unlikely to cause significant harm to neighbouring amenity through loss of light or outlook. This view takes into account the separation possible from window openings to adjoining properties north and south of the site, and the depth of rear gardens to adjoining properties.
- 8.20 Whilst additional overlooking would result from the development the resulting arrangement would be comparable to that which exists elsewhere along Trafalgar Road and which would be expected in an urban location such as this. On this basis no significantly harmful loss of privacy would result from the proposal.
- 8.21 A new residential development in what is already a residential location would not be expected to create harmful levels of noise or disturbance.
- 8.22 **Transport Issues:**
The Council's Sustainable Transport Officer has not objected to the principle of development on the site on highway safety grounds and there would be sufficient space within the curtilage of each dwelling for cycle parking.
- 8.23 There would not be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity.
- 8.24 The proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.

- 8.25 The application has reserved all matters and as such 'access' and 'layout' are not considerations of this outline submission. If necessary these issues would need to be addressed as part of a reserved matters application.
- 8.26 **Sustainability:**
Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.
- 8.27 **Other Considerations:**
The Environmental Health Team has previously identified a number of historic activities, including a brickfield and landfill sites, which had potential to cause localised contamination. If necessary a condition could require an appropriate and robust desk top survey which recognises the close proximity of the former adjoining uses, and characterises and risk assesses them accordingly.
- 8.28 Issues relating to air quality have been raised on previous application, however as this is an outline application it is not considered that this issue would justify refusal of the application. If necessary this issue would need to be addressed as part of a reserved matters application.

9. EQUALITIES

- 9.1 None identified.

ITEM B

23A Third Avenue, Hove

BH2016/05687

Full Planning

DATE OF COMMITTEE: 8th Feb 2017



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05687	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23A Third Avenue Hove BN3 2PB		
<u>Proposal:</u>	Conversion of existing garage into (B1) office space with erection of a single storey rear extension, front extension and associated alterations.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	14.10.2016
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	09.12.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Mr Gregory Kewish, Kit Cottage, Upton Cross, Liskeard, PL145AZ		
<u>Applicant:</u>	Ms Louise Everington, 4 Hove Park Way		

This application was deferred at the last meeting on 08/02/17 for a site visit.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	PL 000	-	14 October 2016
Floor plans and elevations proposed	PL 002 (ROOF PLAN SECTION)	-	15 February 2017

- 2 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.

- 3 The premises shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a two storey detached property, located on the east side of Third Avenue. The property features an integral garage and driveway. The property lies within The Avenues Conservation Area.
- 2.2 The application proposes the conversion of the garage into B1 office space and the erection of a single storey rear extension, front extension and associated alterations.

3. RELEVANT HISTORY

BH2016/01519- Conversion of existing garage into 1no studio flat (C3) with erection of a single storey rear extension, front extension and associated alterations. Refused on 08.07.2016.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its sole outlook onto a vehicle parking area, would result in oppressive and unduly enclosed living conditions for future occupiers and an unacceptable standard of residential accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential use of the garage would introduce an intensity of use and activity, including associated domestic paraphernalia onto the front driveway, out of keeping with and detracting from the appearance of the building, street and Avenues Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan. Furthermore, such activity within the front

driveway would detrimentally impact on the amenities of adjacent occupiers within the building by way of loss of privacy and noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

- The proposed number of high level windows to the rear extension directly abutting a private garden represents an unneighbourly arrangement that would result in noise and light disturbance to the adjacent occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/04075 - Conversion of existing garage into 1no studio flat (C3).
Refused on 06.01.2016.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its restricted light and its outlook through folding doors onto a vehicle parking area, would result in oppressive and unduly enclosed living conditions for future occupiers and an unacceptable standard of residential accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential use of the garage would introduce an intensity of use and activity, including associated domestic paraphernalia onto the front driveway, out of keeping with and detracting from the appearance of the building, street and Avenues Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan. Furthermore, such activity within the front driveway would detrimentally impact on the amenities of adjacent occupiers within the building by way of loss of privacy and noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

Appeal dismissed on 08.07.2016.

BH2015/01764 - Conversion of existing garage into 1no studio flat (C3).
Refused on 03.09.2015.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its cramped internal space, low levels of natural light and restricted outlook would result in oppressive living conditions for future occupiers and an unacceptable standard of residential accommodation. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential unit and the associated external amenity area would be sited in close proximity to habitable windows within the north facing side elevation of Flat 1, 23 Third Avenue and would result in a significant loss of privacy and increased noise and disturbance to this property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

4.1 **One (1)** letter of representation has been received commenting that:

- The development is for riches rather than the greater good.

- The premises could be used for unsolicited uses.
- Solicitors etc should be out of town on industrial sites given the housing shortage.

4.2 **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:

- The use of the garage as an office could result in noise nuisance and disturbance.
- The use would increase footfall to the property.
- The commercial use is inappropriate in a residential area.
- Result in loss of privacy.
- Result in loss of light.
- Rubbish disposal would result nuisance.
- Building works would cause noise and dirt.
- The design would have a poor visual relationship with the building and is out of keeping with other properties.

4.3 **Councillor Andrew Wealls** objects to the application and has requested that the application goes to Committee if the recommendation is to approve (comments attached).

5. CONSULTATIONS

5.1 **City Regeneration:** No objection
Support the potential prospect of business expansion.

5.2 **Policy:** No objection
The proposal to convert the garage to a B1 office is considered welcome in planning policy terms and complies with policies in the Local Plan and City Plan Part One.

5.3 **Transport Planning:** No objection
Change of use
The change of use of a garage to an office space may generate additional trips to the site, however for this size proposed the increase is unlikely to be significant enough to warrant a recommendation for refusal. In this instance the Highway Authority does not wish to request developer contributions.
Loss of garage
The Highway Authority has no objection to the loss of the garage as there is adequate space for parking on the driveway. It is also unclear if the garage at present is used for the storage of motor vehicles.
Cycle storage
There is adequate space in the storage room at the rear of the office for cycles as required by Parking Standards SPD14.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP8 Sustainable Buildings
 CP9 Sustainable Transport
 CP12 Urban Design

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

TR7 Safe development
 TR14 Cycle access and parking
 QD14 Extensions and alterations
 QD27 Protection of Amenity
 EM4 New business and industrial uses on unidentified sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD08 Sustainable Building Design
 SPD12 Design Guide for Extensions and Alterations
 SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the conversion, the impact of the conversion on the appearance of the property and The Avenues conservation area, the amenities of adjacent occupiers and transport issues.
- 8.2 **Principle of development:**

Planning permission is sought for the conversion of the garage into office space (B1). Local Plan policy EM4 states that planning permission will be granted for new businesses and industrial uses on unidentified sites provided that the criteria are met:

- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission:
No evidence has been submitted from the applicant regarding this criterion. However, policy EM4 specifically states that planning permission will be granted for new sites which have not been identified in the Plan (windfall sites) that are suitable for new business premises. The submitted information indicates that the office would be used as an accountant's for office work purposes and would be occupied by two members of staff during business hours. The application site is clearly a windfall site that has not been identified as an employment site within the Plan. It is considered that the site is suitable as a new business premise, in accordance with Local Plan Policy EM4. The suitability of the site is considered below.
- b) The site is readily accessible by public transport, walking and cycling:
The site is within the easy walking distance of numerous bus stops on Church Road and is easily accessible. There is adequate space in the storage room at the rear of the office for cycle storage.
- c) The development would not result in the net loss of residential accommodation:
The proposal does not result in the loss of habitable space.
- d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan:
The site is not located within these areas.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise:
The conversion to office space may generate additional trips to the site; however the increase is unlikely to have a significant impact on the highway.
The level of car parking provision remains as existing and therefore the conversion would not result in an adverse noise or environmental impact.
- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area:
The impact on amenity is considered later in the report.
- g) There is adequate landscaped amenity open space:
The site does not lend itself to soft landscaping; however there is considered to be sufficient space within the front driveway to provide

amenity space for an office use. It is not considered that this lack of landscaped amenity open space would warrant refusal of the application.

On balance it is considered that the criteria set out in policy EM4 are substantially met.

8.3 Design and Appearance:

The streetscene is characterised by large detached dwellings with recessed two storey garage wings to the side and driveways to the front. This arrangement forms a clear rhythm to this part of the street and has a positive impact on the conservation area.

8.4 The extensions proposed are similar to those in the previous application, with changes to the roof and elevations of the rear extension.

8.5 The garage would be extended forward by 0.5m at a height of 3.2m. This projection would be somewhat out of character with the building, however given its recessed position within the street and the retention of the garage door detailing, no significant harm is identified.

8.6 The outbuilding to the rear of the garage would be substantially rebuilt, becoming a rear extension and infilling the space of the rear garden. The rear extension to the garage would have broadly the same impact as the existing extension and outbuilding and therefore is not considered to harm the appearance of the property or wider conservation area.

8.7 The proposed rooflights to the rear extension are considered to be suitable additions in terms of design and scale.

8.8 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.

8.9 The proposed B1 use is by definition one that can be carried out in a residential area without detriment to the amenity of that area. Whilst it is noted that the only available amenity space would be the front driveway, it is considered that the use of this space in connection with an office use would not be so intensive as to have an adverse impact on the adjacent ground floor flat in comparison to a residential use. There is no increase in parking provision and therefore there would be no additional disturbance by reason of vehicle movements. It is recommended that the use of the premises is restricted by condition to B1a use only.

8.10 The proposed front extension would directly abut a kitchen window to the adjacent ground floor flat. Whilst this would have a more enclosing impact than the existing arrangement, on balance it is not considered that this arrangement would result in overshadowing, loss of outlook, loss of light or privacy.

- 8.11 The proposed rear extension would be broadly the same scale and impact as the existing arrangement and therefore would not result in overshadowing, loss of outlook, loss of light or privacy.
- 8.12 Due to the nature and position of the rear rooflights it is not considered that their insertion would impact neighbouring amenity.
- 8.13 **Transport Planning:**
There is not forecast to be a significant increase in vehicle trip generation as a result of the conversion. There is no objection to the loss of the garage as there is adequate space for parking on the driveway. There is adequate space in the storage room at the rear of the offices for cycle parking; a condition will be attached for details of this.

9. EQUALITIES

- 9.1 None identified.

Planning Application - BH2016/05687

Comment reference number: 1054559

I object to the Planning Application

Sender's details

Councillor Andrew Wealls
18 Palmeira Avenue, Hove,
BN3 3GB

Comment

Please note my objection to this application to for change of use at 23A Third Avenue, Hove to B1 use. Whilst the application is clear that the envisaged use of the premises would be for an accountancy practice with two staff on site, B1 use is defined as 'B1 Business - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.' Source: Planningportal.co.uk. Given the extremely close proximity of family residential accommodation to these premises (above and to the south, immediately adjoining the premises), B1 use is considered highly inappropriate for this site. The area in which the premises are situated is a residential area, with business accommodation provided in sufficient quantity on nearby Church Road. This is not an area designated for employment use in the City Plan. Neighbouring residents are concerned about noise from employment activity at the site. There is no opportunity for ventilation from the toilet at the rear of the building so it is assumed an extractor fan will be required which will create noise disturbance for neighbouring residents. Similarly, it is unclear whether the front windows will be able to be opened. Should that be the case it is likely that noise (such as radio use), would disturb neighbouring properties. The front elevation is to be extended 400mm, which will reduce light to the kitchen window of the adjoining property. It is unclear why a 400mm extension is required at all, other than the existing space is not sufficient to accommodate 2 employees. This extension is highly disturbing to the residents of the adjoining property. The proposed plans show refuse storage to be between the windows of the adjoining property. As the proposal is for conversion to business premises, a separate waste disposal contract will be required with a commercial waste and recycling company. The business will not be eligible to use Cityclean communal facilities. Therefore external waste storage will be required as outlined. This will have a detrimental impact on the visual amenity of adjoining properties. Should officers be minded to approve this application, I formally request that it is considered by Planning Committee. Yours faithfully, Councillor Andrew Wealls

ITEM C

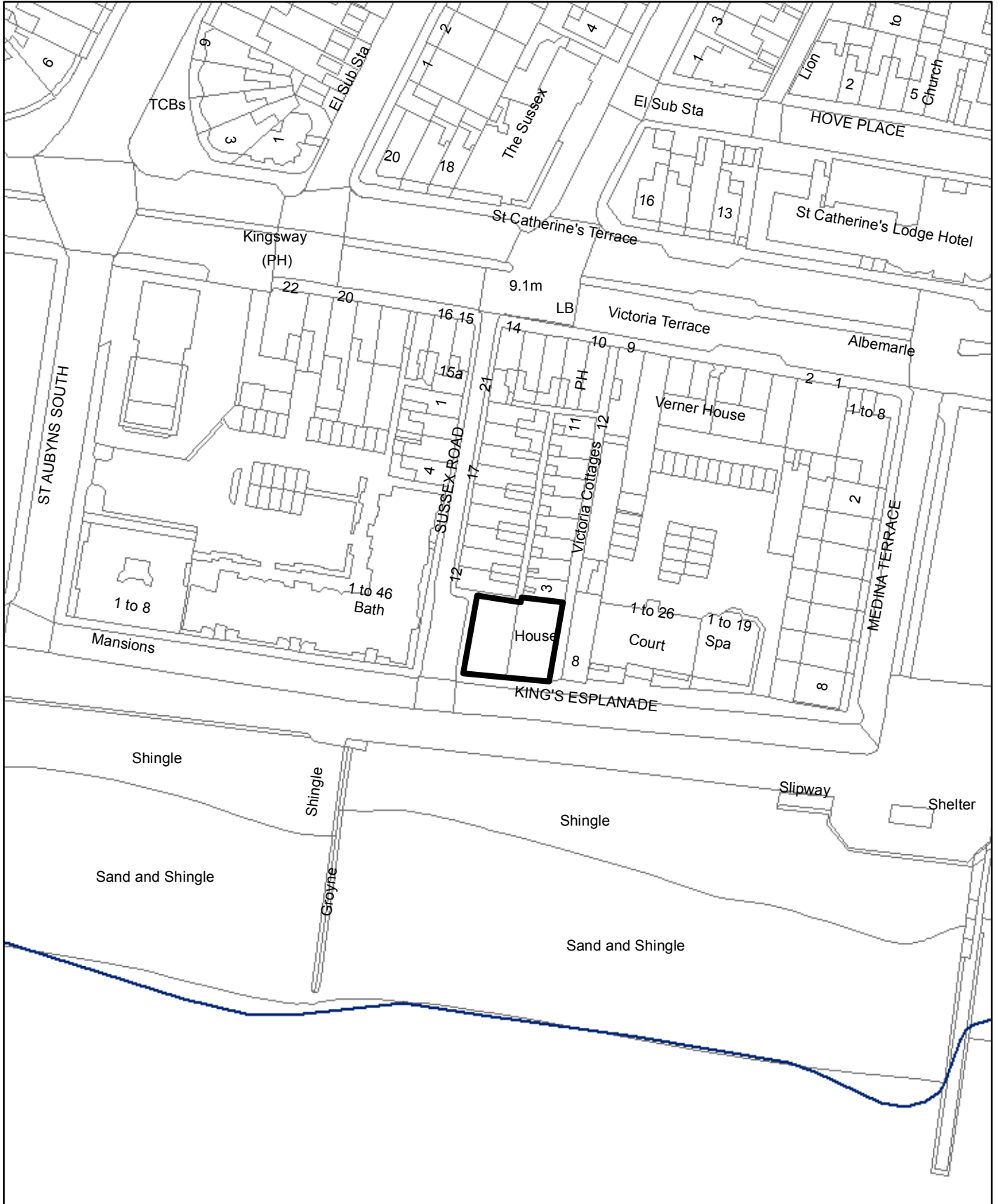
Medina House, 9 Kings Esplanade, Hove

BH2016/05893

**Full Planning & Demolition In Conservation
Area**

DATE OF COMMITTEE

BH2016/05893 Medina House, 9 Kings Esplanade, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05893	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Medina House 9 Kings Esplanade Hove BN3 2WA		
<u>Proposal:</u>	Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	31.10.2016
<u>Con Area:</u>	Cliftonville Conservation Area	<u>Expiry Date:</u>	26.12.2016
<u>Listed Building Grade:</u>	Locally Listed	<u>EOT:</u>	13.03.2017
<u>Agent:</u>	Montagu Evans, Mr Tim Chilvers, 5 Bolton Street, London, W1J 8BA		
<u>Applicant:</u>	Ms Polly Samson, C/o Montagu Evans, 5 Bolton Street, London, W1J 8BA		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no representations raising additional material considerations within the re-consultation period, a s106 agreement and the following Conditions and Informatives:

S106 Head of Terms

- £4,000 towards off-site footway improvements at the junction of Medina Terrace and Kings Esplanade.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	A-001	P1	31 October 2016
Block Plan	A-002	P1	31 October 2016
Floor Plans Proposed	BASEMENT - A-099	P1	31 October 2016
Floor Plans Proposed	LEVEL 00 - A-100	P1	31 October 2016
Floor Plans Proposed	LEVEL 00M - A-100M	P2	9 February 2017
Floor Plans Proposed	LEVEL 01 - A-101	P1	31 October 2016
Floor Plans Proposed	LEVEL 02 - A-	P2	9 February 2017

	102		
Floor plans/elevations/sect proposed	ROOF - A-103	P2	9 February 2017
Elevations Proposed	KINGS ESPLANADE - A-300	P2	9 February 2017
Elevations Proposed	VICTORIA COTTAGES - A-301	P2	9 February 2017
Elevations Proposed	SUSSEX ROAD - A-302	P2	9 February 2017
Elevations Proposed	NORTH ELEVATION - A-303	P2	9 February 2017
Sections Proposed	SECTION A-A - A-200	P2	9 February 2017
Sections Proposed	SECTION B-B - A-201	P2	9 February 2017
Sections Proposed	SECTION C-C - A-202	P2	9 February 2017
Sections Proposed	SECTION D-D - A-203	P2	9 February 2017
Sections Proposed	SECTION F-F - A-205	P2	9 February 2017

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

- 3 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - C 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 HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 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 property.

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

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

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 6 The dwelling 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.

- 7 The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved 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.

- 8 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 policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

9 No development above ground floor slab level of any part of the development hereby permitted shall take place until 1:5 section details of:

- a) All window types and their reveals and cills,
- b) Doors,
- c) Window shutters

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 policies CP12 and CP15 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 a scheme for the retention and restoration of the existing tiles, to be retained within the northern boundary of the covered garden area hereby approved, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

- I. The phases of the Proposed Development including the forecasted completion date(s)
- II. A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- III. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- IV. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- V. Details of hours of construction including all associated vehicular movements
- VI. Details of the construction compound
- VII. A plan showing construction traffic routes
- VIII. An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 12 No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 13 No development above ground floor slab level of any part of the development hereby permitted shall take place 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.
- 14 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15 The residential unit hereby approved shall not be occupied until the 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..
- 16 The residential unit hereby approved shall not be occupied until the 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.

- 17 The residential unit hereby approved shall not be occupied until the bi-folding shutters, serving the balcony and southern facing windows of the first floor lounge and southern facing windows of the second floor bedroom, as shown on drawings A-101 P1 and A-102 P2, have been 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.

- 18 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.

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 Brighton & Hove City Plan Part One.

- 19 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

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

2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that 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.
5. The applicant is advised that the scheme required to be submitted by Condition 13 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Medina House is located on the seafront promenade of Kings Esplanade between the junction of Sussex Road to the east and the Victoria Cottages to the east.
- 2.2 The western half of the site comprises the vacant Medina House, an architecturally-unusual three storey building, with gable end, dating from 1894 that originally housed a laundry and women's slipper baths. It was part of the wider Medina Baths complex which also included a swimming pool and slipper baths for men (on the western corner of Sussex Road) and separate saltwater swimming pool and slipper baths for women. The building housing the women's pool was demolished in 2000, leaving a cleared area within the site to the eastern side of Medina House. Around the periphery of the cleared site remain remnants of the demolished building, most notably the now exposed interior of its northern perimeter wall, revealing the original ceramic tiles in a bold pseudo-Arabic style. These are in varying stages of degradation resulting from their exposure to the elements.
- 2.3 This building illustrates part of the historic development of the City as a spa town and it is the only surviving feature of Hove's original historic bath complex on the seafront. The existing building is a positive contribution to this section of

the seafront and Conservation Area. The significance of the building is made all the more important by the loss of the structures of the associated site (the men's baths) to the west.

- 2.4 The property is a locally listed building and marks the south west corner of the Cliftonville Conservation Area, the boundary of which runs northwards up Sussex Road, encompassing the 2-storey terraced houses fronting the western elevation of Sussex Road but excluding the Bath Court development.
- 2.5 Medina House is set at the southern end of Sussex Road and Victoria Cottages, which form small terraced houses leading down to Hove seafront. The site fronts directly onto Kings Esplanade which in this section comprises a mixture of traditional and more modern buildings of varying scale and design. To the west Bath Court forms a bulky 7 and 3 storey purpose built block of flats with the more ornate St Aubyns Mansions and the King Alfred Sports Centre beyond. To the east sits a 3 storey restaurant building with a narrow street fronts (Marrocco's) with nine storey Benham Court and Spa Court forming bulky 7 purpose built blocks of flats beyond. Further afield to the east lie the listed buildings of Medina and Courtenay Terraces.
- 2.6 Planning permission is sought for the demolition of the existing building (known as Medina House) and the erection of a large single residential dwelling (C3) with associated hard and soft landscaping. The proposed dwelling would comprise the following accommodation;
 - Basement level - plant room, laundry room, stores,
 - Ground Floor - storage, an open plan living, kitchen dining room and hall, lower hall, WC, study and sunken covered garden (northern part of the site);
 - Ground Floor Mezzanine - Void over open plan living, kitchen dining room, library, study and void over northern covered garden;
 - First Floor - bedroom with en-suite bathroom, snug, dressing room, gym, WC and lounge; and
 - Second Floor - 4 bedrooms (2 with en-suites), shower-room and a void over the first floor gym, and
 - Courtyard garden with 2.2m high glass canopy located around perimeter.

Since submission of the application the following amendments have been made,

- Northern facing dormer within eastern wing removed,
- Eastern parapet lowered by 0.32m,
- Chimney lowered by 0.22m,
- Eastern wing roof height lowered by 0.42m,
- Eastern wing PV panels repositioned,
- Main ridge height lowered by 0.5m, and
- Southern facing gable height lowered by 0.3m.

3. RELEVANT HISTORY

BH2014/03898 - Demolition of existing building and erection of a part 3 part 4 storey block of 8no two bedroom flats with basement car parking and cycle storage and relocation of on-street parking bays. Refused 04/03/2015 on grounds of loss of the locally listed heritage asset and the development design, including the scale of the front bays, projection over the footway and palette of materials, representing an excessively dominant form of development out of keeping with its surrounds.

BH2013/03410 - Demolition of existing building and erection of an 8 storey block containing 8no. two, three and four bedroom self-contained flats with basement car port. Refused 03/01/2014

BH2009/03120 - Demolition of existing building. Refused 29/12/2010
Dismissed at Appeal

BH2009/03105 - New build 9 storey development including 9 residential units, ground and first floor restaurant and basement parking. Refused 29/12/2010
Dismissed at Appeal

BH2008/03983 - Demolition of existing building. Withdrawn by Applicant

BH2008/03963 - New build 16 storey development including 11 residential units, ground and first floor restaurant, second floor office and basement parking. conversion of no. 3 Victoria Cottages from 1 no. dwelling house to 2 no. affordable maisonettes. Withdrawn by Applicant

BH2002/03115/Conservation Area - Demolition of former public baths building. Withdrawn by Applicant

BH2002/03108/FP - New build 18 storey seafront development comprising 23 apartments with ground floor restaurant and basement parking. Withdrawn by Applicant

BH2002/00157 - Conversion of existing building to form 6 no. flats, alterations to approved 2 no. new houses (Amendment to planning approval BH1999/01456/FP). Withdrawn by Applicant

BH2000/03208/Conservation Area - Demolition of existing buildings and erection of 4/5 storey block of 9 flats (6x2 bedroom and 3x1 bedroom) and 9 no. basement car parking spaces. Refused 08/03/2001

BH2000/03196/FP - Demolition of existing buildings and erection of 4/5 storey block of 9 flats (6x2 bedroom and 3x1 bedroom) and 9 no. basement car parking spaces. Refused 08/03/2001

BH2000/00192/CA - Conservation area application for demolition of existing buildings and redevelopment of site with twelve self-contained flats. Withdrawn by Applicant

BH2000/00191/FP - Demolition of existing buildings, redevelopment of site with twelve self-contained flats. Withdrawn by Applicant

BH1999/01482/CA - Conservation Area Consent for demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999

BH1999/01456/FP - Demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999

BH1998/02151/FP - Demolition of existing single storey structure, conversion of Medina House to form 3 no. self-contained flats and erection of 2 no. new houses. Approved 10/11/1999.

Pre-Application

The scheme has been subject to a pre-application discussion with officers in June 2016 and was presented to Planning Committee Members in August 2016, prior to submission.

A Statement of Community Involvement has been submitted in which it is stated that since July 2016 a public exhibition was held, exhibition invites were sent to neighbours, stakeholder one-to-one meetings held, briefings given to local media and responses to e-mail enquiries have been provided.

4. REPRESENTATIONS

4.1 **Forty One (41)** letters has been received objecting to the proposed development for the following reasons:

- Previous refusals have stated that, as Medina House is of local historical interest, the architectural look of the current property and height of the building should be retained and not increased. This new application significantly increases the height of the roof line and is therefore in breach of the previous rulings as well as being out of character. Would support an application which retained the existing height of the building,
- Increased pollution,
- Overshadowing and loss of light/sunlight to neighbouring properties and gardens. Will affect neighbours 'right to light',
- Noise disturbance,
- Loss of outlook and sea views,
- De-valuation of neighbouring properties,
- Proposal will make the twitten (alleyway) darker and potentially hazardous,
- Disparities in documents regarding the proposed increase in height. Calls into question which height measurement is used in calculating its overshadowing information (2.7m or 3.4m) and reliability of material available for public consultation analysis,
- Validation of the figures in the light survey not possible as the computer software is not named, without this transparency no discussion on the "bugs" that may potentially exist within a specific piece of software can take place,

- Damage to neighbouring properties from construction works,
- Proposal contrary to Brighton & Hove Local Plan and Brighton & Hove City Plan Part One and Medina House Planning Brief,
- The plan for the building includes a library, a gymnasium and a snug as well as five bedrooms and a secluded high-walled courtyard that adds nothing to the community,
- Use of Medina Terrace/Sussex Road for construction/demolition vehicles will disrupt traffic flows in the area and would be dangerous to the public using Sussex Road,
- Building previously deemed to be in a reasonable condition and not beyond repair. Only an application to re-use the existing building should be supported. An independent survey should be mandatory to check that it is only fit for demolition as stated by developer. Building is last surviving example of its type, protected by Conservation Area status which could be lost forever, there is much that is salvable,
- Inadequate neighbour consultation of application,
- Daylight/sunlight assessment does not assess all neighbouring properties affected by proposal. Inaccuracies in original and revised daylight/sunlight assessment regarding use of rooms in neighbouring properties assessed,
- Unacceptable to knock down a historical building in order to build one building, when accommodation is in such short supply,
- Proposal too large. Unacceptable raised building height, proposed plinth will make it even higher, additional annexe/accommodation too high,
- Visibility of the building to the north within Conservation Area,
- Proposal models and descriptions at public exhibition misleading,
- Would give impression of living in a tunnel for neighbours,
- Appears poorly conceived, with little or no thought towards many families who have lived around this area for many years,
- No off-road parking proposed, parking is at a premium in area,
- Too many unanswered questions in application i.e. could the size and facade be kept the same and everything else rebuilt?
- Proposed building does not appear to be in the same style as the surrounding area,
- Once permission is granted an application for change of use or internal design may be granted, concerned it will be changed to a HMO, and
- All new buildings popping up all over Brighton feature flats from £400k upwards and there seems little evidence of homes being built for those who really need them, rather than homes for people to use at the weekend only.

4.2 **Twenty Three (23)** letters has been received supporting the proposed development for the following reasons:

- Have no objections to the proposal,
- Would like building to be the same height as the existing building and indeed smaller but after years of hideous, unsuitable building proposals, feel this is the best proposal seen and possibly the best can hope for,
- Consider proposal to be a great improvement to existing eyesore and a sympathetic solution both in its design awareness of its neighbours and will enhance the appearance of the area which has been required for a long

time. Developer trying to preserve the original features and making sure that as much attention to detail on the building is in keeping with its history and surroundings, whilst incorporating some modern design principles,

- Will stop a constant battle with squatters, rubbish, graffiti and seeing boarded up windows,
- Is a development that is not simply trying to maximise the number of properties on a site,
- Modern architecture can uplift and enhance its surroundings; this design proves it. It complements existing buildings and the seafront skyline whilst creating a fresh update to the architectural story. The architectural character of the city can be enhanced at the same time as providing much needed housing. It would be a visual asset to walkers along the promenade and a trophy to Hove,
- Has been a long controversial site which has, for various reasons, suffered great decay. It has become apparent, alas, that Medina House is in worse condition than previously feared. This means that it makes sense to re-build it in a manner which more than echoes the original building and provides the opportunity to design a system which prevents the growing risk of flood damage,
- Note from the daylight assessment that with regards to Bath Court the rooms potentially affected are bedrooms (and of course when Bath Court was built it had an effect upon buildings to its east). With regards to Victoria Cottages it is evident that the daylight effect will remain within the BRE guidelines, especially with regard to urban setting. Similarly the upper floors of the restaurant to the east are bedrooms,
- No untoward effect upon bats, and
- Brighton planners have a history of supporting non-family accommodation and shared dwellings, is about time some efforts were made to build houses/family houses. One family should not be penalised because of historical errors but would like a covenant placed on development to that the house cannot be rented or sold for a period of years.

4.3 **Four (4)** letters has been received commenting on the proposed development for the following reasons:

- Concerns about lack of neighbour consultations undertaken,
- An entire extra storey is added to the height impact, and harm is admitted in submitted documentation. Have some concerns regarding loss of light to properties north of the site, so it would be right to ensure that their situation is no worse than if the current building was retained and restored to original state,
- In general it is good to see an application that shows some sympathy for the existing building and is not just another block of flats. Attempts to retain some existing features are pleasing,
- No mention in application about parking. At the public exhibition in September it was claimed that because the applicant had adequate parking nearby no parking was required. This is a massive exaggeration of the truth (nearby parking is minimal). The application should include a provision for

parking, probably in the basement, as street parking is already oversubscribed,

- Need to carefully determine building condition. An Independent Survey is needed (not just the ones provided by applicants). Is Medina House beyond reasonable saving for a reasonable re-use?
- Retention of its architecture along with the back wall containing bespoke Royal Doulton tilework to be incorporated into an enhanced new build design means that its presence would not be forgotten,
- Use of white brick is possibly an issue,
- Concerned quality of life of neighbouring properties would be affected by height increase on both the courtyard side and the replacement main building in terms of loss light/sunlight and overshadowing. Here the planning brief and formal planning protection must dictate,
- Need to consider new planning consent for a Co-op food store and 58 flats on former Texaco Petrol station and Alibi pub site. This development will heap a seriously increased density of use onto the Esplanade over and above the fact this exact part of the Esplanade is a magnet for visitors coming to the seafront for a walk. Conversion to a single family dwelling is therefore in keeping with the uses of Sussex Road and Victoria Cottages directly to the north of it,
- No increase in parking need will come from this house as the owners have 4 spaces in Spa Court carpark attached to the studio there (formerly part of the rear garden of listed 2 Victoria Terrace), and
- The back wall of Medina House on its eastern edge is supposed to have a streetlamp attached, this will need to be part of any back wall replacement building should the development be allowed.

4.4 Any comments received with respect of the amendments received on the 9th and 13th February will be reported in the committee late list.

4.5 **Hove Civic Society:** Supports the application as the site has had a long and sorry history of decline and neglect, and previous attempts to redevelop have not found favour. In different circumstances, a site that has become so derelict might be a good candidate for comprehensive redevelopment to provide new housing units. But given the background to this site, as the last trace of the old public baths complex, there has been long-running local interest in finding an imaginative solution - one which would be "appropriate to its seafront context or historical use", to use the words of the Council's Planning Brief of 2013.

4.6 Believe that the proposed scheme is indeed a positive and an imaginative solution. The design for the new house has elegance and merit. It would re-establish something of quality on the site which evokes the form of the old bath-house (whose structure can no longer feasibly be salvaged). Additionally - and this is an important benefit - the scheme is able to preserve the remaining fabric of the pool area (an outcome that otherwise has seemed very unlikely).

4.7 The proposed materials are high-quality and should create a practical and attractive finish. Note there has been some debate about the colour choice of brick finish. Would like to see a finish which "lifts" the appearance of the main

building, so that its quality stands out among the taller buildings which flank it - so on balance believe a white finish is preferable.

- 4.8 Note there have been comments and objections in relation to 'daylight' implications for some of the nearby buildings. Are not in a position to form a technical judgement on this matter, but obviously would like it to receive due and proper planning consideration.
- 4.9 **Councillor Wealls:** Objects Comments attached.
- 4.10 **Peter Kyle MP:** Supports the proposal on the grounds that the current state of the property has been a concern for a while and is pleased that someone is willing to renovate and develop the site. Believe that this key area of the seafront deserves a decent building on this historic site. Have listened to local residents, who are also widely supportive.

5. CONSULTATIONS

- 5.1 **External:**
- 5.2 **CAG:** Recommends approval but requests that the historic street signs should be included. Also suggest that it would be more appropriate if the material used were red brick rather than white.
- 5.3 **County Ecologist:** Comment The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.
- 5.4 **Internal:**
- 5.5 **Environmental Health:**
(Comments 9/11/2016) Insufficient Information. The proposed ground source heat pump details are required so that an assessment can be made about whether a BS4142 acoustic report will be needed.
- 5.6 A construction environment management plan should be considered. At the very least a Control of Pollution Act 1974 section 61 application is advised. Dust control measures must also be made available prior to demolition.
- 5.7 (Comments 5/12/2016 following receipt of further information) Would generally be concerned about anything above 45dB (A) at 1m, but as this is to be sited in the basement and there are no external pipes/fans it does not warrant a BS4142 assessment.
- 5.8 **Flood Risk Manager:** Recommends approval as have no objection to the proposed development.
- 5.9 **Heritage:**
- 5.10 (Comments 1/12/2016)
Demolition - Archival material and published records, whilst valuable resources, are poor substitutes for the physical presence of the building, and the demolition

of the existing building would mean that the historic significance of Medina House would be lost to anyone other than researchers.

- 5.11 Policy presumption is in favour of retaining the existing building.
- 5.12 The application includes a report which sets out the extent of the structural problems present, which are significant. There is no claim that these issues are without solutions, however the case is put that these repairs would be economically unviable, either for residential or other possible uses of the building.
- 5.13 In addition the application includes a flood risk assessment identifying the possibility of inundation from 'wave overtopping' and this is the main justification given for not retaining the existing facades, due to the desirability of raising thresholds and cills to protect the property. The property has remained vacant for many years under its previous ownership and possibly due to the aspirations of the previous owner other uses were not sought. As a result its dilapidation is a factor that cannot be ignored in considering the future for this building, and the likelihood of it being restored to its former condition is now considered remote. Further deterioration will reduce the positive contribution it makes to the conservation area and regrettably redevelopment is now becoming the more realistic outcome.
- 5.14 Proposed new building - Planning Brief aims to retain the existing building and addresses re-development only in relation to the currently open Eastern part of the site.
- 5.15 The building proposed as a replacement has been influenced by its overall form, footprint and roof shape, also architectural details such as window openings and in particular the Dutch gable, make reference to the original architecture.
- 5.16 The overall height of the new building is however substantially increased due to the raising of ground floor level.
- 5.17 The resulting building is impressive and well detailed and it is considered that the references to the original building provide a link to the history of the site.
- 5.18 The use of brick is appropriate, as it was the original material for Medina House. White brick is not a material used in this conservation area and there is concern that this will diminish the historic context. The preference would be for a red brick and tile pallet to more strongly reflect the significance of the site.
- 5.19 The proposals for the Eastern part of the site involve a new boundary with architectural treatment based on the former baths structure, and a three storey development at the rear of the site. The scheme also includes retention of the historic tiling that survives from parts of the pool enclosure which is welcome.
- 5.20 This retains the open feel at the front of the site, and is generally in keeping with the original low scale of the bath block, however the height of the front wall and proportions of the arched openings are more prominent in proposed views of the

site provided in the application, and it is considered that slight amendments would be beneficial.

- 5.21 The scale of the proposed building at the rear of the site contrasts more dramatically with Victoria Cottages.
- 5.22 The Planning brief states: a development similar in height to Medina House and the adjoining Marrocco's building on the site of the former swimming baths fronting Kings Esplanade would be acceptable in principle. The proximity to the rear boundary does not allow for the stepping down required in the Brief.
- 5.23 It is therefore considered that amendments should be sought on these elements.
- 5.24 (Comments 11/01/2017 following submission of proposed brick sample)
The proposed brick sample submitted in support of the application confirms that the colour and shape of the bricks has not been influenced by the historic context of the site. The surviving historic buildings are rendered and the historic bath complex was originally red brick. The 20th century developments around the site are mostly pale buff brick. It is not considered that in this respect the development can be considered to either preserve or enhance the character of the conservation area - as required by the Planning (Listed Building and Conservation Areas) Act 1990, or sustain or enhance the significance of the heritage asset - as set out in the National Planning Policy Framework.
- 5.25 (Final comments 13/02/2017 following submission of amendments) Following receipt of the information and revisions received, it is noted that the taller element of the eastern part of the development is set back from the Victoria Cottages street frontage, therefore although the new development will be visible beyond the roofs of the existing houses in Victoria Cottages, the gap between the boundary wall and the taller structure within the site mean that the impact of the new building on the low scale of this narrow passageway will be relieved by the widening of the gap between the buildings at this point. It remains that the proposal is considered to have a negative impact on the low scale character of Victoria Cottages, however this will be less than substantial harm.
- 5.26 It is considered by the Heritage Team that the choice of brick and the height of the easternmost part of the development remain elements of the scheme that do not meet the tests contained in the National Planning Policy Framework and Planning (Listed Building and Conservation Areas) Act 1990 outlined above. However, there are significant benefits to the Conservation Area from the development of this site with a building that has been influenced by the architecture of Medina House, which itself is in such a poor condition that its architectural value is and continues to be reduced. It is further considered that the general design of the new building, and the conservation of the surviving historic fabric in the eastern part of the site are to be welcomed, and it is not considered that misgivings regarding the scale and materials should outweigh the acknowledged benefits of the scheme.

- 5.27 **Planning Policy: Comment** An exception to policy CP3.5 is considered acceptable in view of the planning history of the site. Whilst residential use is considered acceptable on the site, the proposal for one family unit is considered to represent an underutilisation of the site at a density of 25dph and is considered not to comply with Policy CP14 of the City Plan Part One. The applicant should demonstrate clearly why an exception to policy CP14 should be considered in this instance.
- 5.28 **Sustainable Transport:**
(Comments 16/11/2016) No objection Recommend approval as the Highway Authority has no objections to the application subject to necessary conditions regarding pedestrian crossing improvements and cycle parking and an informative regarding highway works.
- 5.29 (Final comments 10/02/2017 following receipt of amendments/further information) Pleased that the Highway Authority's request for a contribution towards off-site footway improvements has been agreed by the applicant, that further evidence has been supplied regarding cycle parking which puts this application in line with policy TR14 and confirm that this development would need to be to be car free, bearing in mind the applicant is requesting zero parking on-site for a five bedroom development and the pressure for parking in this area and zone. The applicant and visitors can still parking in neighbouring non-permit spaces) the disabled and motorcycle spaces being free and the others to be paid for) and stop where safe and legal to do so (for example by taxis, delivery vehicles and to load and unload vehicles).

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
SA1 The Seafront
CP1 Housing delivery
CP3 Employment land
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP18 Healthy city
CP19 Housing mix

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

TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping the independent movement of children
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
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 or affecting the setting of conservation areas
HE8 Demolition in Conservation Areas
HE10 Buildings of local interest

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Planning Advisory Note

PAN 07 Local List of Heritage Assets June 2015

Medina House Planning Brief September 2013

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of demolition of the existing building, the impacts of the proposal on the

character and appearance of the site and surrounding area, including the Cliftonville Conservation Area; the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and issues relating to transport and sustainability.

8.2 **Background**

The full planning history for the site is set out above. The last proposal approved at the site was in 1999. Since 1999 a number of planning applications, comprising the demolition of the existing building and the construction of higher density residential developments have been submitted, all of which have either been refused by the Council or withdrawn.

8.3 The most recent application (**BH2014/03898**) which sought permission to demolish the existing building and construct a part 3 and part 4 story block of 8 flats, was refused in 2015 on the grounds that;

- It had not been demonstrated that the building was beyond economic repair, that there are no viable alternative uses for the building, or that the proposed redevelopment would preserve the area's character and produce substantial benefits to outweigh its loss, and
- The proposed development, by virtue of its design, would represent an excessively dominant form of development out of keeping with its surrounds.

8.4 No appeal was submitted with regards to this most recent refusal however it is noted that in previous appeal decisions, relating to other previously refused proposals (which have included demolition of the existing building) the appeal Inspector has dismissed the appeal, amongst other reasons, based on it being considered that the contribution of the Medina House site and the visual openness its gap creates within the Cliftonville Conservation Area is a continuingly positive one and that to demolish the building would be contrary to Policy HE8 of the Brighton & Hove Local Plan 2005.

8.5 Some repair work was undertaken at Medina House subsequent to a Planning Enforcement Notice served in September 2011 to remedy the previous condition of the land, which was adversely affecting the amenity of the area.

8.6 It is noted that the applicant of this application purchased the site in November 2015.

8.7 **Planning Brief**

As a result of a number of development proposals over the last few years not receiving the support of the Local Planning Authority, a Planning Brief for the site was prepared in 2013, to guide the future of the site. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic Development and Culture Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 19th September 2013.

- 8.8 The brief sets out that the primary development opportunity at the site is as a residential scheme with the reuse and retention of Medina House as a core feature.
- 8.9 Part 7 of the Brief sets out the Development Principles which include;
- The preservation or enhancement of the character/appearance of the Clintonville Conservation Area,
 - The retention of the essential detailing elements of the front and western facades of the building including its distinctive Dutch-style gable,
 - Respect of the 'openness' of this south west corner of the Clintonville Conservation Area as well as the small and intimate scale of the adjoining residential development immediately to the north, and
 - A development that does not adversely affect the positive contribution of the site to the Conservation Area , nor serve to visually discord with the existing roof line of Medina House or be detrimental to the amenities of the occupiers of Victoria Cottages including through the detrimental loss of light,
- 8.10 **Principle of Loss Employment Use**
Medina House has been largely vacant since approximately 1993 with the last known formal use of the premises for light-industrial processes within Use Class B1. However in more recent years the building has been intermittently occupied for informal residential use.
- 8.11 Policy CP3 relates to employment land. Part 5 of this policy states that the loss of unallocated sites or premises in, or whose last use was employment use (Use Classes B1-B8) 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). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).
- 8.12 The previous applications identified that there have been no serious attempts to market the building for either B1 use or alternative uses contrary to policy. No marketing information for the employment use has been provided as part of the current application and the proposal would result in the loss of 422sqm of B1c floorspace. However, a material consideration in the consideration of this application is the length of time that the site has been vacant (over 20 years) and the fact that an appeal Inspector, for an appeal determined in 2011, stated that the site was unsuitable for employment use given its physical constraints and accepted the principal change of use to residential as an exception to employment policies.
- 8.13 There are no material considerations that would warrant a departure from the 2011 Inspector's view and as such the loss of the existing employment use of the site is considered to remain acceptable as an exception to City Plan Part One policy CP3.
- 8.14 **Principle of Residential Development**

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 24th 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.

- 8.15 Residential development on the site is considered acceptable in principle, as established within previous planning applications and associated appeal decisions. However, a material consideration in this application is the minimum housing requirements for the City a set out City Plan Part One Policy CP1 (Housing Delivery).
- 8.16 Despite the site not being identified in the draft 2015 SHLAA up-date, as a site suitable for accommodating 6 or more dwellings, it is considered that the site may be suitable to accommodate more than one dwelling.
- 8.17 Whilst it is noted that the proposal would provide a low density development (25dph), contrary to policy CP14, it is a material consideration that previously proposed higher density developments have not been approved at the site for reasons including design and adverse impacts upon neighbouring amenity. As set out below an identified public benefit of the current proposal is the re-development of the existing vacant and dilapidated site, with a development that would make visual reference to the existing Medina House building. The proposal would therefore provide a link to the former history of the site (which previously refused development have not achieved) and a development that has the potential to help preserve and enhance the surrounding Conservation Area. As such it is not considered that refusal, based on the provision of only one residential unit within the site, could be sustained.
- 8.18 **Design and Appearance:**
The site is located within the Cliftonville Conservation Area. The Local Planning Authority has a statutory duty to preserve and enhance the character or appearance of Conservation Areas, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is reflected in the heritage polices of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.
- 8.19 This building illustrates part of the historic development of the City as a spa town and is the only surviving feature of Hove's original historic bath complex on the seafront. The existing building contributions to the related section of the seafront and associated Conservation Area and is noted to be different in scale and style to its neighbours. The significance of the building is made all the more important by the loss of the structures of the associated site (the men's baths) to the West.
- 8.20 Whilst not a Listed Building, the existing building is identified as having special interest because of its local historic townscape value and as such is included in

the City's local list of heritage assets (non-designated heritage asset). The significance of the building as a locally listed asset is a material consideration in determination of the application.

8.21 Acceptability of Demolition

The proposal involves the entire demolition of Medina House and therefore policy HE8 is relevant. This policy states that demolition in Conservation Areas would be acceptable only where the building is beyond economic repair, no viable alternative use can be found, and the re-development would preserve the area's character such that the benefits would outweigh its loss.

8.22 Archival material and published records, whilst valuable resources, are considered to be poor substitutes for the physical presence of the building, and the demolition of the existing building would mean that the historic significance of Medina House would be lost to anyone other than researchers.

8.23 Policy HE10 directly concerns the status of the building as a locally listed historic asset, seeking the retention and restoration of all such buildings.

8.24 The policy presumption is therefore in favour of retaining the existing building, a presumption that has been supported in previous appeal decisions by appeal Inspectors.

8.25 Documents assessing the condition of the existing building have been submitted in which it is stated that the property, which has been vacant for many years, has suffered two fires, water penetration and a period of squatter occupation. It is stated that a scheme of refurbishment and adaption of the existing building was investigated however significant defects were identified with the existing building, defects and internal damage that are said to have escalated from the events referred to and which have resulted in a fragile structure requiring extensive repair and replacement elements. These defects have resulted in the reports concluding that whilst technically possible, it is not practicable to retain the existing structure.

8.26 The submission also includes a flood risk assessment identifying the possibility of flooding from 'wave overtopping'. The façade retention solution considered in the submitted documents is also considered impractical by engineers when coupled with the need to raise the ground floor level to prevent flood risk and due to the condition of the original brickwork further intervention (waterproofing and insulation) would be required, and it is likely that very little of the surviving original fabric/historic detail would remain as a result.

8.27 As such the documents confirm the conclusions are "not simply based on the economic costs of the work associated with re-use, but fundamentally on the broad cultural and historic value of the end result of re-use, since the interventions required would be so extensive".

8.28 The dilapidation of Medina House is a factor that cannot be ignored in considering the future for this building. From the documents submitted it is evident that the likelihood of the existing building being restored to its former

condition or a development comprising the retention the existing façade, is now considered remote by the Councils' Heritage Officer. Further deterioration would reduce the positive contribution the building makes to the Conservation Area and, whilst the earlier refusals and associated appeal decisions based on the demolition of the existing building are noted, regrettably the complete redevelopment is now becoming the more realistic outcome.

8.29 **New Build**

As set out above the heritage polices and Planning Brief aims to retain the existing building and the associated Brief addresses re-development of the site only in relation to the currently open eastern part of the site. However as set out above complete redevelopment of the entire site is now becoming the more realistic outcome.

- 8.30 The proposed development would have an L-shape built form comprising a three storey (plus basement) building replacing the existing Medina House building on the western side of the site, with an east to west orientated wing on the eastern side of the site. A landscaped courtyard area would be located to the east of the replacement building and to the south of the proposed wing.
- 8.31 The part of the proposed development that would replace the existing Medina House has been influenced by the existing buildings overall form, footprint and roof shape. Furthermore architectural details such as window openings and in particular the Dutch gable would make reference to the original architecture. The resulting building would be well detailed and would provide references to the current Medina House building on the site and therefore a link to the former history of the site.
- 8.32 The main part of the proposed dwelling, with a north to south orientation, would have a ridge height that is approximately 2.2m higher than the ridge of the existing building (measuring a proposed height of 21.53m AOD) and a south facing gable feature with a height approximately 3.4m higher than that of the existing building (measuring a proposed height of 23.44m AOD).
- 8.33 Part of the increase in height of the replacement building is as a result of a portion of the proposed ground floor level being approximately 0.9m higher than the existing, in order to mitigate against the ingress of water into the building, the issue of flooding is discussed in more detail later.
- 8.34 The proposed wing to the dwelling would be constructed to the east of the main part of the dwelling and to the north of the proposed courtyard area, with a west to east orientation. This wing element of the proposal would be set down from the main roof ridge and would have a ridge height of 19.63m AOD (approximately 13.5m measured from ground level of the adjacent alleyway).
- 8.35 The upper floors of the proposed wing of the dwelling would be set in from the new eastern boundary of the site and therefore set back from the eastern facing building line of the properties on the western side of Victoria Cottages. A glazed roof would wrap around the north-eastern corner of the proposed wing, to enclose the proposed sunken covered garden in this area of the proposal.

Whilst the proposal would be visible beyond the roofs of the existing houses in Victoria Cottages, the proposed gap resulting from the proposed set back would mean that the impacts of the proposal on the low scale of the narrow passageway of Victoria Cottages would be relieved by the widening of the gap between the buildings at this point. Whilst the Council's Heritage Officer remains of the opinion that the proposal would have a negative impact on the low scale character of Victoria Cottages it is also considered that this resulting harm would be less than substantial. Where a development would lead to less than substantial harm, paragraph 134 of the NPPF allows the public benefits of the proposal to be weighed against the harm identified. Policy HE4 of the Local Plan is complementary to such an approach.

- 8.36 The proposal for the eastern part of the development includes a new boundary with architectural treatment based on the former baths structure. The historic tiling that survives from parts of the pool enclosure would be retained within the northern boundary of the proposed covered garden area, which would be sited below the three storey eastern wing to the dwelling which would be sited to the north of the courtyard area. The proposed courtyard would retain the open feel to the front of the site.
- 8.37 The proposal would be finished with a palette of materials including white handmade bricks, natural grey timber, double glazed natural grey timber framed windows, glass balustrading, natural grey timber bi-folding shutters, dark clay roof tiles, retained and restored tiles and granite paving to the proposed courtyard.
- 8.38 The proposed use of brick as an external finish material is considered appropriate, as brick was the original material for Medina House. However the Council's Heritage Officer has raised concerns with regards to the use of a white brick. Since submission of the application a white brick sample has been submitted following the Heritage Officer's initial concerns regarding the use of such coloured brick. The sample confirms that the colour and shape of the proposed brick finish has not been influenced by the historic context of the site and as such does not meet the tests of the NPPF or the Planning (Listed Building and Conservation Area) Act 1990 with regards to preserving or enhancing the character of the Conservation Area or sustain or enhance the significance of the heritage asset.
- 8.39 Whilst the proposed white brick finish to the development and the height the eastern most part of the proposal remain elements of concern in terms of not preserving or enhancing the character of the Conservation Area, or sustaining or enhance the significance of the heritage asset, it is considered there are significant public benefits to the Conservation Area resulting from the development of this site. These public benefits include the construction of a building that has been influenced by the architecture of the current Medina House building, which itself is in such a poor condition that its architectural value is and continues to be reduced and the redevelopment of a site which has been vacant for a long period of time. It is further considered that the general design of the replacement building, and the conservation of the surviving historic fabric in the eastern part of the site are to be welcomed, and it is not considered that

misgivings regarding the scale and materials as discussed in heritage terms, as set out above should outweigh the identified benefits of the proposal.

- 8.40 Whilst it is noted that a sample of the proposed white brick has been submitted it is recommended that a condition is attached requiring samples of all finish materials, to allow other bricks to be investigated should approval be granted in addition to conditions regarding further details of the proposed windows, window shutters, doors and a scheme for the retention and restoration of the existing tiles.
- 8.41 **Landscaping:**
The proposed external courtyard area would comprise a glazed canopy around the perimeter, the purpose of this proposed canopy is stated to be to help mitigate against the effects of air movement around the development and to shelter users of this space and the proposed planting.
- 8.42 Three arched openings, containing opaque glazing for privacy, would provide relief to the new southern boundary of the open element of the site in addition to providing light to the proposed external garden area.
- 8.43 Further details of the proposed landscaping of the external amenity area can be secured by a condition, should the proposal overall be considered acceptable.
- 8.44 **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.
- 8.45 Accommodation Provision/Standard of Accommodation:
It is considered that the layout of the proposed dwelling would result in the provision of accommodation with adequate levels of outlook, natural light and ventilation.
- 8.46 While the Local Planning Authority does not have adopted space standards, for comparative purposes the proposal is assessed against the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document, standards which the proposal far exceeds.
- 8.47 Policy HO13 requires all new build 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 M4(2) within the national Optional Technical Standards, standards which can be ensured via the attachment of a condition.
- 8.48 In accordance with policy HO5 the proposal comprises a number of amenity areas for the future occupiers of the dwelling including an external courtyard area, a sunken covered garden area located below the proposed eastern wing

of the dwelling and terraced areas within parts of the proposed wing section of the dwelling.

8.49 Neighbouring Amenity:

The built form immediately to the north of the site comprises terraced houses formed of 2 storeys on Victoria Cottages and 2 storeys with basements on Sussex Road. Whilst the built forms and small garden areas of these neighbouring properties are divided by a Twitten, which runs in a northerly direction from the rear boundary of the site to the southern boundary of properties located on Victoria Terrace, the built environment is dense. To the west of the site is Bath Court (an 8 and 3 storey development) and to the east a mixed use building comprising a café/restaurant, known as Marrocco's, with residential units above (3 storeys) with the 9 storey Benham Court beyond.

8.50 Since submission of the application amendments have been made to the proposal including a reduction in height of the main roof ridge by 0.5m and the roof height of the eastern wing by 0.42m.

8.51 The replacement Medina House element of the current proposal would have a greater height, approximately 2.2m, than the existing building. The 2014 refused application (**BH2014/0398**) comprised a building on the western side of the site, albeit of a different design, that would have been approximately 2.8m higher than the existing Medina House. Whilst this previous application was refused overall, it is a material consideration of the current application that this previously proposed increase in height did not form a reason for refusal of the earlier application, an increase in height that is greater than that currently proposed.

8.52 The existing northern boundary wall of the site, the northern elevation of Medina House and outriggers of the northern neighbouring properties, especially those of nos. 12 Sussex Road and 3 Victoria Cottages, already encloses and reduces existing outlook and sunlight/daylight to the east/south facing windows and gardens of northern neighbouring properties.

8.53 The northern most elevation/boundary of the proposed dwelling would be positioned along the existing northern boundary of the site, which abuts the southern gable of no. 3 Victoria Cottages and which is located approximately 1.2m from the southern elevation of no. 12 Sussex Road. The upper parts of the proposed wing element of the dwelling, which extend above the eaves height of the roofs of the neighbouring properties on Victoria Cottages, would step in from the northern and eastern boundaries of the site, resulting in wider gap between the built form of the proposed development and Victoria Cottages at these points.

8.54 The southern neighbouring windows of no. 12 Sussex Road are located to the west of the existing built form of Medina House. Whilst it is acknowledged that the proposal would reduce the existing open space to the area to the east of Medina House, it is considered that the outlook from the nearest southern facing windows (within nos. 13 Sussex Road and 4 Victoria Cottages) would not be significantly impacted by the proposal in terms of sense of enclosure or outlook

as a result of the existing built form of Medina House and the surrounding properties, their relationship to the site and the stepped form of the upper parts of the proposal and the hipped roof design.

- 8.55 Daylight and Sunlight Assessments have been submitted as part of the application. These submitted assessments are based on the recommended levels outlined with the BRE Guide (Building Research Establishment) with regards to habitable rooms of 6 neighbouring residential properties. Two methods have been utilised, the Vertical Sky Component (VSC) and No Sky Line (NSL).
- 8.56 Within the BRE Guide it is stated that; "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design".
- 8.57 Within the submitted assessments the dense urban setting of the site and surrounding neighbouring properties is identified and is considered to currently impact upon the levels of daylight/sunlight received by neighbouring properties. Following amendments to the proposal as previously set out, the assessments concludes that the proposal would result in only a small percentage of habitable room windows in neighbouring properties not strictly adhering to the daylight/sunlight levels recommended within the BRE Guide.
- 8.58 As set out above, the site is tightly enclosed by neighbouring buildings to the north and east with an open aspect of the south. It is stated within the submission that the internal accommodation has been arranged to maximise mutual privacy to neighbouring properties and windows to ancillary spaces such as storage and bathrooms are located in the north-west of the dwelling adjacent to the nearest neighbouring properties.
- 8.59 The proposed second floor terrace would be set back from the eastern boundary and the proposed shutters to the south-facing windows would bi-fold to the east to allow southern views from the windows/terrace without such features having an adverse impact upon the amenities of the eastern side neighbouring properties, in terms of direct overlooking or loss of privacy, when the proposed shutters are closed or open.
- 8.60 The eastern facing elevation of Bath Court is not flush. A minimum distance of approximately 13.5m would be located between the western elevation of the proposed dwelling and the eastern most elevation of Bath Court. Due to this distance and the presence of existing western facing windows in Medina House it is not considered that the proposal would have a significant adverse impact upon the amenities of the western sited neighbouring properties with regards to loss of privacy or overlooking. It is also noted that this proposed separation distance, of approximately 13.5m, is significantly greater than the 8m separation distance predominant along Sussex Road, thereby ensuring the impact is proportionate to that established in the surrounding area.

- 8.61 It is not considered that the proposed glazed roof which is to wrap around the north-eastern corner of the development would have an adverse impact upon the amenities of neighbouring properties.
- 8.62 A number of window openings are proposed within the northern elevation of the dwelling. Due to the positioning of these proposed windows in relation to the positioning of neighbouring windows it is not considered that their inclusion would result in overlooking or loss of privacy to the northern sided neighbouring properties. It is considered that the proposed windows which would be positioned to face north in alignments with the alleyway which is located between Victoria Cottages and Sussex Road would actually provide some surveillance along this pedestrian route.
- 8.63 It is disappointing that the height of the wing of the dwelling has not been reduced to a height that would not result in any impact to neighbouring properties with regards to sunlight/daylight levels or overshadowing. However it is considered that the heritage benefits of the proposal identified earlier in this report, including the redevelopment of a site that has been vacant for a long time with a development that provides a link to the site's former history, outweighs the harm to the neighbouring properties that has been identified within the sunlight/daylight assessments provided as part of the application and as such refusal of the proposal, based on adverse harm to neighbouring properties in terms of loss of sunlight/daylight, is not recommended in this instance.
- 8.64 **Sustainable Transport:**
Pedestrian & Mobility & Visually Impaired Access
The proposal would have different pedestrian access arrangements to that of the existing building, with the main entrance to the dwelling located on Sussex Road (rather than Kings Esplanade) and a secondary access point from the garden onto Victoria Cottages. Such access arrangements onto the adopted (public) highway are considered acceptable.
- 8.65 As part of the proposal, improvements to the footway at the junction of Medina Terrace and Kings Esplanade are requested in order to provide suitable access, for future occupiers and visitors to the dwelling, between the development and local amenities. The Highway Authority has confirmed that such footway improvements would cost £4,000 (comprising of a standard dropped kerb, tactile paving and a recessed over), a contribution the applicant has agreed to provide.
- 8.66 Cycle Parking
SPD14 states that a minimum of 2 cycle parking spaces are required for every residential unit with 3 or more bedrooms and 1 space per 3 units for visitors after 4 units. For this proposal (with 5 bedrooms) the minimum cycle parking standard is therefore a total of 2 cycle parking spaces. In accordance with policy CP14 the proposed cycle storage provision would be secure as located behind a door (stated to be solid and lockable), convenient as would be accessible from level secondary access point into the site, would be well-lit in the courtyard area and would be sheltered under the proposed courtyard perimeter canopy.

8.67 Disabled Parking

It is noted that limited free on-street disabled parking bays are located within the vicinity of the site which could be utilised by for disabled residents/visitors to the proposal. In addition Blue Badge holders would be able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. As a result, refusal based on the lack of dedicated disabled parking for the occupiers/visitors of the proposal, is not considered justified on this occasion.

8.68 Servicing & Deliveries

No significant alteration to the current servicing and delivery arrangements to this site are proposed (including goods & people pick up / drop off).

8.69 Car Parking

The site is located within Zone N of the City's Controlled Parking Zones. In this location of the City, SPD14 states that the maximum car parking standard for a dwelling of 3 or more bedrooms is 1 space per dwelling plus 1 space per 2 dwellings for visitors. No off-street parking provision is proposed as part of the proposal, which is in line with the maximum standards and is therefore deemed acceptable in this case.

8.70 As no off-street parking provision is provided as part of the redevelopment of the site for a 5 bedroom house and the pressure for parking in the vicinity of the site and parking zone N, the site can be designated as car free development by condition should permission be granted.

8.71 **Sustainability:**

As part of the application and Energy and Sustainability Statement has been submitted in which it is noted that the proposal is required to comply with policy CP8 in that a new residential development is required to;

- To achieve a 19% carbon reduction improvement against Part L 2013; and
- To meet the 'optional' standard for water efficiency.

8.72 Whilst it is noted that within the submitted information it is stated that the proposal would meet and exceed the sustainability standards set out above such standards would be ensured via conditions should overall the proposal be considered acceptable.

8.73 **Ecology**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site comprises buildings and hard standing and is of limited ecological interest.

8.74 A bat survey was submitted as part of the submission. The County Ecologist considers that the survey has been carried out in accordance with best practice and is sufficient to inform appropriate mitigation, compensation an enhancement. No evidence of bats was found and the building to be demolished has negligible bat roost potential. As such, no specific mitigation is required.

8.75 The site is considered unlikely to support any other protected species and therefore no specific mitigation is required.

8.76 The County Ecologist considers that the site opportunities for biodiversity enhancement such as the use of species of known value to wildlife within the landscape scheme and the provision of bird boxes. Such enhancement can be ensured via a condition if overall the proposal is considered acceptable.

8.77 **Other Considerations:**

8.78 Flood Risk

The site is located within the Environmental Agency Flood Zone 1 where the annual probability of flooding is classified as less than 1 in 1000 in the absence of any defences however the submission refers to a residual risk of wave overtopping.

8.79 As part of the application a Flood Risk Assessment has been submitted in which the following flood resilience measures are proposed;

- Raising internal ground floor levels
- Flood Door, and
- Impact resistant glass and windows raised significantly

8.80 The Council's Flood Risk Officer has viewed the submitted Flood Risk Assessment and assessed the proposal and raises no objections.

9. EQUALITIES

9.1 If overall considered acceptable a condition would ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

Planning Application - BH2016/05893

Comment reference number: 1055648

I object to the Planning Application

Sender's details

Councillor Andrew Wealls
Hove Town Hall, Norton Road, Hove
BN3 3BQ

Comment

Please note my objection to the proposed development. Whilst I do support the demolition and rebuilding of the proposed house on the site, my objection is based on the impact of the proposed rear (north) elevation on properties in Sussex Road and Victoria Cottages (to the north of the site). I have visited 13 Sussex Road and am struck by the dramatic impact the three storey rear wall will have on the access to light from their kitchen, first floor rear bedroom, and light well at the back of the property. I formally request that the Planning Committee undertake a site visit prior to determining the application and view the proposed rear elevation of the development from properties to the south end of Sussex Road and Victoria Cottages. It is only by visiting can a genuine understanding of the impact this will have on their access to light.

Planning Application - BH2016/05893

Comment reference number: 1059526

I object to the Planning Application

Sender's details

Councillor Andrew Wealls
Hove Town Hall, Norton Road
BN3 3BQ

Comment

Please note my continued objection to the revised application BH2016/05893 at Medina House, King's Esplanade. I request a site visit, particularly if possible from the interior of affected properties noted below.

My initial submission was principally concerned with loss of light to properties to the rear of the proposed development, particularly the height of the rear eastern 'wing'. The revision reduces the height of this wing by 42cm, and the parapet is lowered by 32cm. The dormer is removed. This has had no meaningful impact on the reduction in light. Unfortunately the Revised Daylight and Sunlight Survey of 13th February 2017 confirms that the impact on the Vertical Sky Component (VSC) of the changes on 13 Sussex Road is so negligible as to be within margins of error. The VSC losses there remain substantial. The incorrect designation of a lounge as a LKD remains. The detailed analysis of VSC which was not provided in the 17/1/17 letter shows significant losses at; 13 Sussex Road (2 KD windows with VSD losses of over 30% and one bedroom window with a loss of 29.8%) 8 King's Esplanade (three bedrooms with losses 33-41% and an unknown use room -32.6%) 3 Victoria Cottages (Conservatory -22.5%) Similarly the Daylight Analysis at the above properties shows significant losses; 13 Sussex Road (up to 21.4%) 8 King's Esplanade (bedrooms up to 30.8%) 3 Victoria Cottages (Conservatory -10%) And lastly the Revised daylight Distribution Analysis shows significant loss of amenity at these properties; 13 Sussex Road (DDA improvements are insignificant) 8 King's Esplanade (data shows negative impact is significant in all bedrooms, dining room) 3 Victoria Cottages (more modest losses at bedroom and attic room. Given the revisions to the development make no meaningful improvement to the negative on the amenity of the residents of these neighbouring properties, I remain opposed.'

ITEM D

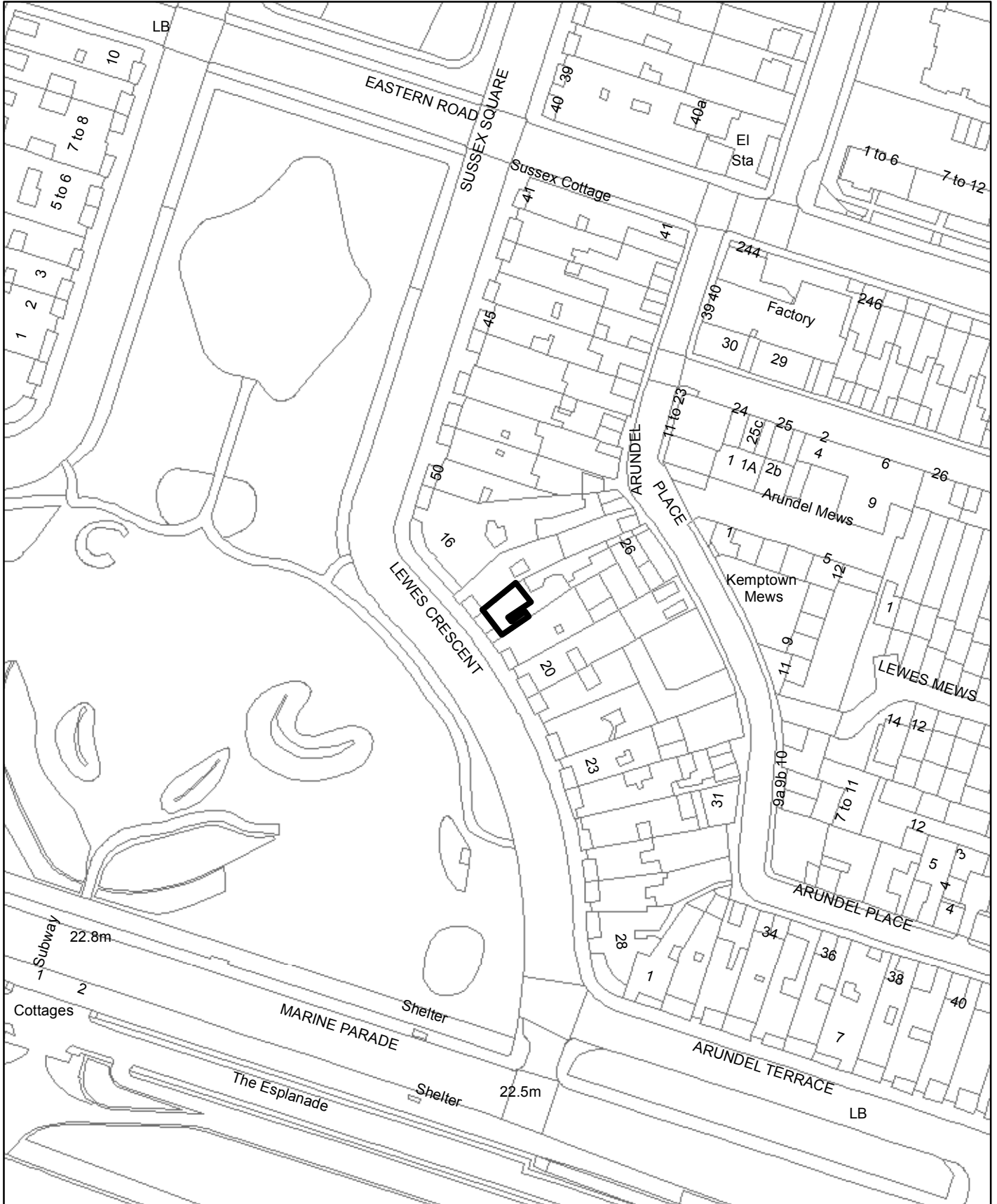
Flat 4, 18 Lewes Crescent, Brighton

BH2016/02812

Internal Alterations To Layout Of Flat

8th March 2017

BH2016/02812 Flat 4 18 Lewes Crescent, Brighton



Scale: 1:1,250

<u>No:</u>	BH2016/02812	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Flat 4, 18 Lewes Crescent, Brighton, BN2 1GB		
<u>Proposal:</u>	Internal alterations to layout of flat.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	27.07.2016
<u>Con Area:</u>	KEMP TOWN	<u>Expiry Date:</u>	21.09.2016
<u>Listed Building Grade:</u>	Listed Building Grade I		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	Mrs Rebecca Partridge, C/O Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton, BN1 5PD		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

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

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

2 All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the renderwork background walls and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	1200/1		27 July 2016
Floor Plans Proposed	1200/1		27 July 2016
Sections Proposed	1200/3		27 July 2016
Sections Proposed	1200/4		27 July 2016
Large Scale Details	1200/5		27 July 2016
Ventilation Strategy	1200/6		8 December 2016

Other	PHOTOS		23 January 2017
Statement	PLANNING/HERITAGE		27 July 2016
Existing Floor Plans	DATED 29/12/1971		27 July 2016
Existing Floor Plans	DATED 01/10/1985		27 July 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a Grade I Listed Building in the Kemptown Conservation Area. The application seeks consent for internal alterations to the layout of the second floor flat, the removal of secondary glazing and to re-level the floor in the living room.

3. RELEVANT HISTORY

BN85/0963/LBC- Internal alterations. Approved 3010/1985.

4. CONSULTATIONS

- 4.1 **Heritage:** Seek additional information

- 4.2 Statement of significance

This is a Grade I Listed Building part of the estate designed by Wilds and Busby c1823 for Thomas Kemp, in what is now designated as the Kemptown Conservation Area.

- 4.3 The interior of the flat has not been inspected, however from the submitted plans it is clear that there have been alterations in the past that affect the significance of the planform at this level of the building.

- 4.4 NB. With reference to the Planning and Heritage Statement accompanying this application, the interior of this building is not mentioned in the listing because only publicly accessible buildings were inspected internally during designations made in 1952. The listing descriptions of this era are only intended for identification purposes and do not itemise features of interest or importance, and it is not correct to state that the interior is not of significance because it is not mentioned.

- 4.5 The Proposals and Potential Impacts

The current proposal is primarily for regularisation of the existing layout which has been in place for some time. This differs from the layout approved by Brighton Council in 1985, but not in a way that is considered to further harm the significance of the building.

- 4.6 In addition to the layout, the application proposes the removal of secondary glazing and re-levelling the floor in the living room.

- 4.7 On the basis that the implemented layout causes no additional harm to the significance of the interior than the approved 1985 scheme would have done,

had it been implemented, it is not considered that an objection can be made to it in principle. However it would seem that arrangements for drainage and ventilation were not part of the previous application, and it is normal nowadays for such details to be requested before applications can be determined, as the consequences for historic interior can be unacceptable where they involve visible boxing of drainage at skirting level or raised floors. The alternative can sometimes be the need to route pipework through structural timber and this is also unacceptable due to loss of original fabric. The difficulties in accommodating the necessary infrastructure can therefore make a proposal unacceptable, and a further comment will be made once this information is submitted.

4.8 The proposals to remove modern secondary glazing and the raised living room floor are acceptable.

4.9 *NB: During the course of this application additional information has been submitted.*

4.10 **Heritage: Updated comment**

The internal route for the drainage is under the floor and will conform to our normal approach on such proposals. The applicant has submitted confirmation that the available gradient is adequate for the purpose. Externally the pipe will emerge just above the fire escape landing, and run through an existing gap to the hopper immediately below. On this basis if it was the same colour as the wall it would have little additional impact to that of the existing pipes in this location and is acceptable.

5. REPRESENTATIONS

5.1 **Eight (8)** letters have been received, objecting to the proposed development for the following reasons:

- The proposed kitchen is immediately above a main living room and the waste pipe runs over the ornate ceiling below. Leaks from the waste pipes from the kitchen have previously caused damage to the ornate ceiling.
- There may be insufficient drop to drain the waste water from the kitchen.
- The kitchen should be moved to its original position.
- A flat of this size should be a one bedroom unit rather than two bedroom unit.
- Freeholders were not properly consulted on the application.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

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 Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade I Listed Building, in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8.2 Representations concerning the risk of damage due to leaks from the drainage from the kitchen are noted. However on the basis of the information provided by the agent the waste route proposed is considered to be no more concerning than normal in such circumstances and would therefore not warrant refusal of this application.

8.3 It was brought to the attention of the Local Planning Authority during the course of this application, that the freeholders of the other flats to 18 Lewes Crescent were not properly notified of the application. The agent certified on Certificate B on the application form that the requisite notice was given to everyone who was the owner of any part of the land or building to which this application relates. However notice was originally only served on the managing agent for the property. During the course of the application, a copy of the notice served and a

revised Certificate B were submitted to the Local Planning Authority. No additional representations were received following this consultation process.

9. EQUALITIES

9.1 None identified.

ITEM E

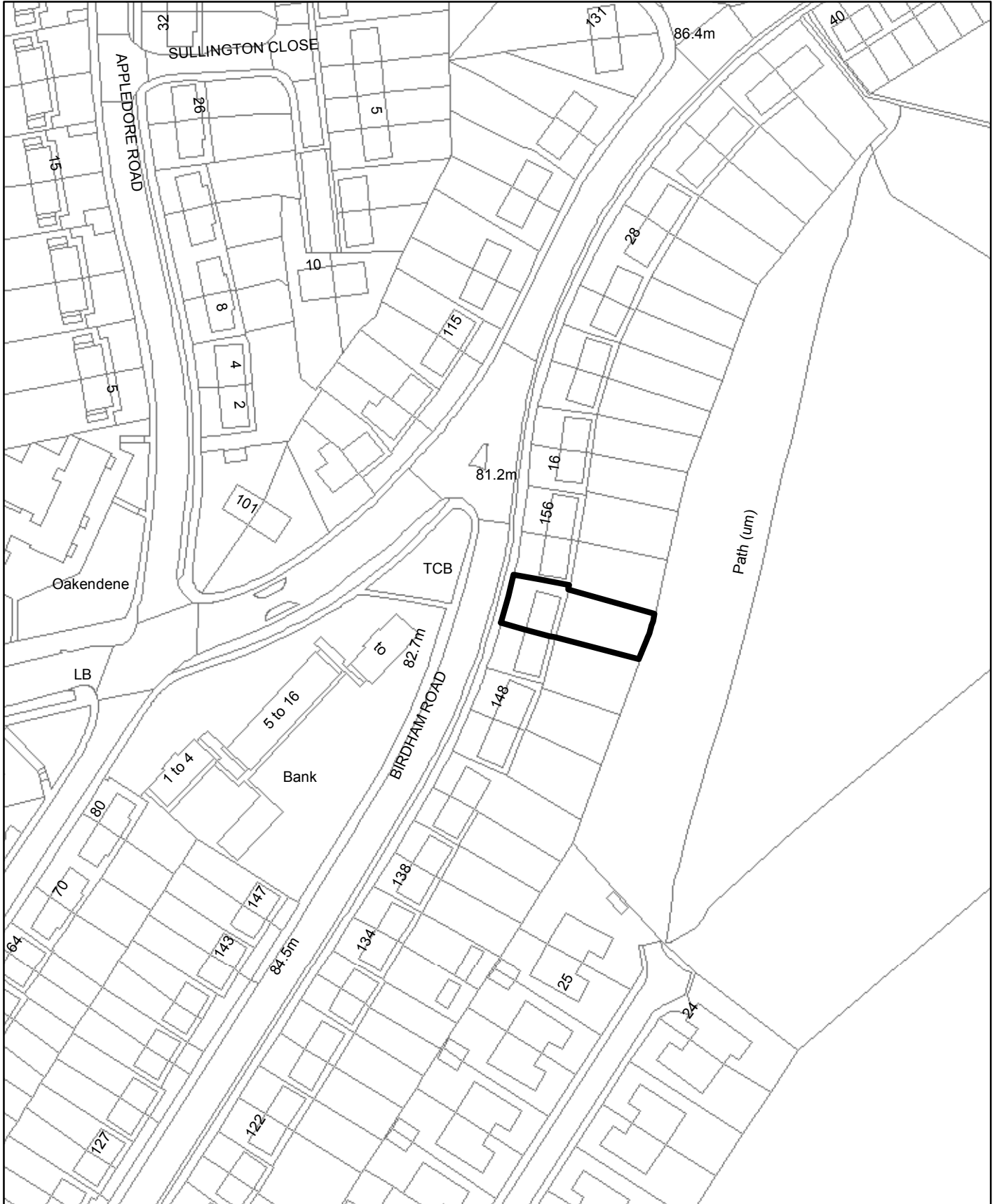
152 Birdham Road, Brighton

BH2016/06305

Full Planning

8th March 2017

BH2016/06305 152 Birdham Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/06305	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	152 Birdham Road Brighton BN2 4RR		
<u>Proposal:</u>	Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4). (Retrospective)		
<u>Officer:</u>	Charlotte Bush, 292193	tel:	<u>Valid Date:</u> 08.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.03.2017
<u>Agent:</u>			
<u>Applicant:</u>	Ms Guiling Guo, 3 Adams Close, Brighton, BN1 7HU		

Councillor Yates and Marsh have requested this application is determined by Planning Committee

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	555(PL)2		30 November 2016
Floor plans/elevations/sections proposed	555(PL)IF		30 November 2016

2. Within three (3) months of the date of this approval, 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 within one (1) month of the agreement of details 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.

3. The kitchen/dining/lounge areas as detailed on drawing no. 555 (PL)IF received on 30 November 2016 shall be retained as communal space at all times and shall not 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.

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies 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. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a semi-detached house located on the eastern side of Birdham Road.
- 2.2 The property is not located in a Conservation Area. However, there is an Article Four Direction present which restricts the change of use from C3 single dwelling house to C4 small house of multiple occupation.
- 2.3 The conversion to a six bedroom HMO has already been implemented, and the application description has therefore been amended to a retrospective application. However, the proposed layout is different from the existing layout which was refused under planning application **BH2016/02999** due to the poor standard of communal space.

3. **RELEVANT HISTORY**

BH2016/02999 - Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4). (Retrospective). Refused 21/10/2016

Reason for refusal:

The retained shared communal space, comprising a small kitchen and sitting room/corridor to bedroom 6, due to their layout and limited size, results in the provision of cramped living conditions which fail to provide an acceptable standard of accommodation, detrimental to the residential amenity of occupiers of the property and contrary to policy QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

4.1 **Three (3)** letters have been received, objecting to the proposed development for the following reasons:

- The Article 4 area is already saturated with HMOs.
- Brighton is in crisis due to lack of family housing.
- If each person living there has 2 guests then there will be 18 people in the house.
- The number of people in the house creates significant noise, even though if they are not being noisy.
- The loss of another family home has an impact on community and facilities. Students, quite naturally, do not have a commitment to the area.
- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation.
- Although the layout has been modified from that previously considered in October, still feel that the communal amenity space is limited and the bedroom space especially so.

4.2 **Councillors Daniel Yates and Mo Marsh** have also written in objecting to the application. Copies their representation are attached to the report.

5. CONSULTATIONS

5.1 **Housing:** No objection

Confirm that the property currently has a draft HMO Licence dated 29 November 2016 for a maximum of 6 people and it will be converted into a full HMO licence shortly with an expiry date of 1 September 2021. The proposal plans put forward will improve the fire safety at the property by eradicating two of the three inner rooms which exist at the moment.

5.2 **Sustainable Transport:** No objection

5.3 **Car Parking**

No car parking is proposed meaning it is possible demand for on-street parking will be generated.

5.4 2011 Census data indicate that of student HMOs within the Moulsecomb and Bevendean ward, 46% had no car, 28% had one car and 26% had two or more

cars. For non-student HMOs, 29% had no car, 40% had one car and 31% had two or more cars. This compares to a ward average of 38% with no car, 42% with one car and 21% with two or more cars.

5.5 The level of on-street parking demand would therefore not be expected to increase above the existing situation to a level which could be deemed to amount to a severe impact upon surrounding streets. Refusal would therefore not be considered to be warranted on these grounds under the National Planning Policy Framework.

5.6 Cycle Parking

The applicant does not appear to be proposing cycle parking. It is therefore requested that further details be secured by condition on any consent granted. SPD14 requires a minimum of one space per two bedrooms, equal to three spaces for the proposed development. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered.

5.7 Trip Generation

It is not expected that person trips will increase substantially above the existing use whilst the site benefits from being in close proximity to bus routes and the Lewes Road corridor providing frequent public transport services and good quality cycle routes.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP19 Housing mix
CP21 Student housing and Housing in Multiple Occupation

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

TR4 Travel plans
TR14 Cycle access and parking
SU10 Noise Nuisance
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
SPD14 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.
- 8.2 This application has been amended from the previous application **BH2016/02999**. The alterations include the removal of one of the bedrooms on the ground floor to create an open plan kitchen/diner and sitting room measuring 23m².
- 8.3 **Principle of development**
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 6 bedspaces) who share basic amenities including a kitchen and bathrooms.
- 8.4 Policy CP21 of the Brighton and 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:
- 8.5 '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.'
- 8.6 A mapping exercise has taken place which indicates that there are 31 neighbouring properties within a 50m radius of the application property. Three (3) neighbouring property have 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 9.6%.

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

8.8 Standard of accommodation

The accommodation layout for 6 unrelated adults would comprise:

Ground Floor

Bedroom 1 measuring 10.5m²

Bedroom 2 measuring 11m²

Kitchen/diner sitting room measuring 23m²

Shower room.

First Floor

Bedroom 3 measuring 8.9m²

Bedroom 4 measuring 13.5m²

Bedroom 5 measuring 11.3m²

Second Floor

Bedroom 6 measuring 14m² but with restricted headroom. The useable floorspace with a ceiling height of 1.8m and above is 8.68m². This room also has a built in cupboard.

- 8.9 The open plan kitchen/diner/siting room would accommodate two sofas, a dining table as well as kitchen space, and is considered to provide sufficient circulation space for 6 unrelated adults.
- 8.10 The bedrooms are all considered to be of adequate size and meet the minimum space standards for a single bedroom as specified by the Nationally Described Space Standards, which states that a single bedroom should have a floor area measuring at least 7.5m². All bedrooms have a good outlook with good levels of natural light.
- 8.11 Bedrooms 1 and 2 on the first floor would be positioned either side of the front entrance and the corridor leading to the main communal space and providing access to the staircase to the other floors. This could potentially result in noise disturbance to the occupants of these rooms. Bedroom 6 on the second floor has restricted headroom in part of the room due to the roof slope. However, the room measures 14m², and consequently the useable floorspace with a ceiling height of 1.8m and above is 8.68m² which is considered to provide an adequate standard of accommodation.
- 8.12 On balance, the standard of accommodation is considered acceptable for 6 unrelated individuals, but given the limited communal space the maximum occupancy should be limited to six.

- 8.13 **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.
- 8.14 The occupancy will be restricted to 6 unrelated persons residing within the property. It is therefore 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.
- 8.15 The overall percentage of HMO's within a 50m radius is 9.6% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.16 **Sustainable Transport:**
The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. Secure, covered cycle parking shall be secured by condition.

9. EQUALITIES

- 9.1 None identified.



PLANNING COMMITTEE LIST
8th March 2017

COUNCILLOR REPRESENTATION

BH2016/06305 152 Birdham Road

May I add my objections and the same request for committee determination as my ward colleague Cllr Yates

Kind regards,

Mo Marsh
Labour Councillor for Moulsecoomb and Bevendean.
Deputy Mayor of Brighton and Hove City Council
Member of Health Overview and Scrutiny,
Chair, Member Development Working Group.
Chair, Educational Trust funds trustees

152 Birdham has submitted another HMO application (having been rejected in October)
I have just submitted that attached objection (below)

Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one. Especially the requirements and the council's ability to meet its housing needs assessment.

Although the layout has been modified from that previously considered in October I still feel that the communal amenity space is limited and the bedroom space especially so.

I note that they are HMO licenses current in place at 142 also 30,34,36 Moulsecoomb way and I hope that their impact on the 10% rule is properly taken into consideration.

Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application then I would be grateful if they would consider adding, as a condition, removal of permitted development rights from this property to ensure that any further development on this site is fully scrutinised before approval.

Best wishes
Daniel Yates
Labour Councillor for Moulsecoomb and Bevendean
Chair, Brighton & Hove Health and Wellbeing Board

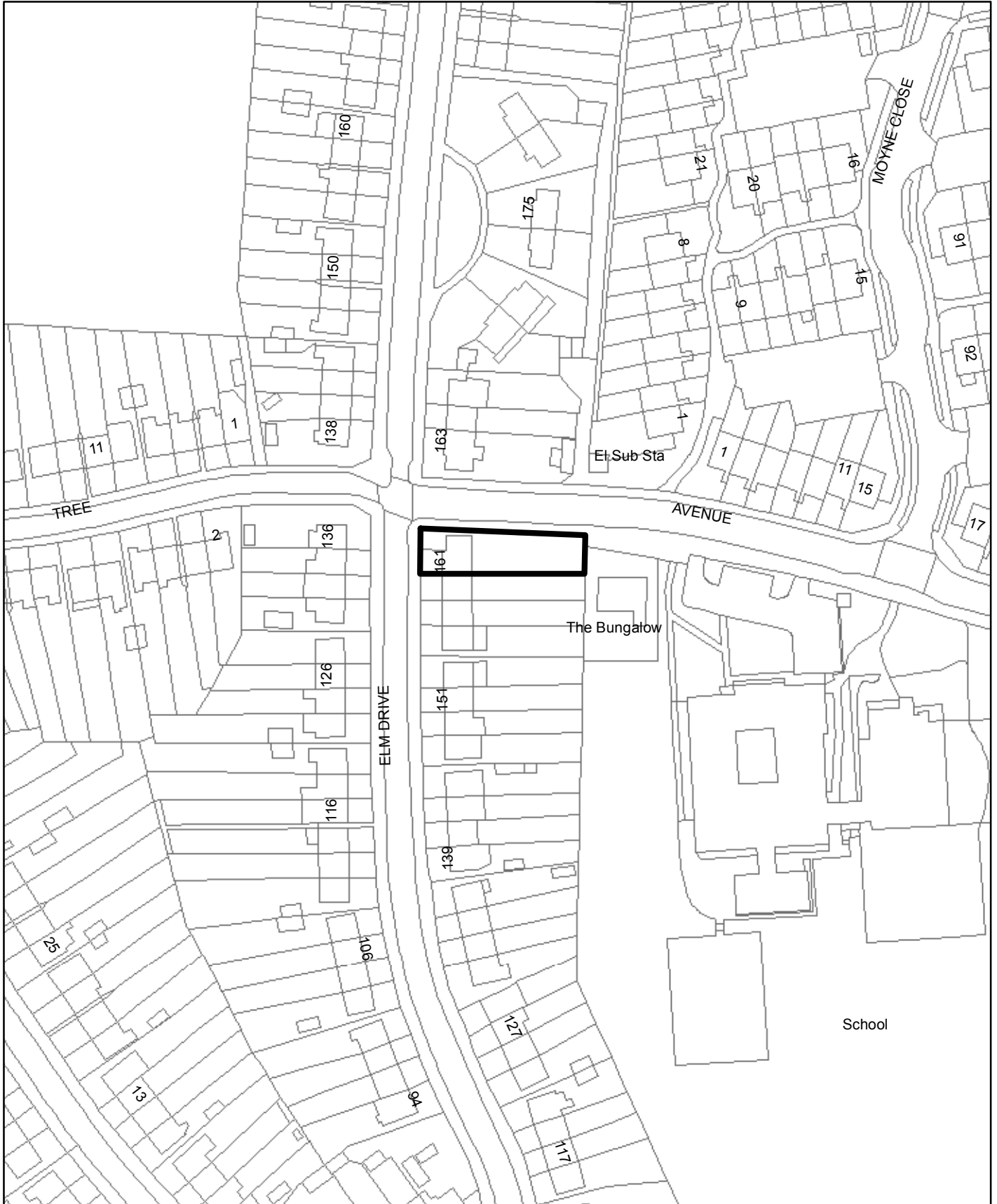
ITEM F

161 Elm Drive, Hove

BH2016/05889

Householder Planning Consent

8th March 2017



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05889	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	161 Elm Drive Hove BN3 7JA		
<u>Proposal:</u>	Demolition of outbuildings and erection of 1no two bedroom dwelling (C3) incorporating new crossover.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	27.10.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.12.2016
		<u>EoT/PPA</u>	
		<u>Date</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Tim Wood, 30 Montpelier Crescent, Brighton BN1 3JJ		
<u>Applicant:</u>	Ms Thalia Liebig, 161 Elm Drive, Hove, BN3 7JA		

The proposal is being determined by Planning Committee as it is an officer linked application.

1. RECOMMENDATION

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

- 1 The proposed dwelling is considered an inappropriate and cramped form of development by reason of its size and plot coverage, that would result in an uncharacteristic subdivision of the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary policy CP12 of the Brighton and Hove City Plan Part One.

Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	100 PS		27 October 2016
Floor Plans Proposed	104		27 October 2016
Elevations Proposed	105		27 October 2016
Other	16/ED/120		2 November 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to an end of terrace property on the corner of Elm Drive and Laburnum Avenue. The property has an existing side extension and a number of sheds in the rear garden. The site has an existing crossover at the rear of the site, accessed from Laburnum Avenue.
- 2.2 The application seeks consent for the subdivision of the rear garden and erection of a new dwelling fronting Laburnum Avenue.

3. RELEVANT HISTORY

BH2016/01264 Erection of 1no two bedroom dwelling (C3) incorporating new crossover. Refused 5/07/2016.

4. REPRESENTATIONS

4.1 Three (3) letters has been received, objecting to the proposed development for the following reasons:

- Loss of privacy
- Overlooking
- Increase in car congestion
- Increase in parking

5. CONSULTATIONS

5.1 **Planning Policy:** No Comment

5.2 **Sustainable Transport:** Comment

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

6. MATERIAL CONSIDERATIONS

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

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

- SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of residential use of the site, the design of the new building and its impact on the character and appearance of the area, its impact on the amenities of adjacent occupiers, and the traffic implications and sustainability of the development.
- 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 24th 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 **Planning Policy:**
The application is a re-submission of a previously refused application (**BH2016/01264**) which sought permission for the erection of a single dwelling at the rear of 161 Elm Drive. The application was refused on the following grounds;
1. The proposed dwelling is considered an inappropriate and cramped form of development that would result in an uncharacteristic subdivision of

the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary policies CP12 of the Brighton and Hove City Plan Part One.

2. The proposed dwelling, by reason of its size and layout would form a cramped and poor standard of accommodation for future occupiers and is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

8.4 The key differences between the two proposals include;

- Increasing the plot size by approximately 1m in width.
- Increasing the width of the dwelling by approximately 0.7m
- Revising the roof form to include an area of flat roof and barn hips.
- Minor internal and external alterations to dwelling

8.5 The application forms a residential plot, which is to be subdivided to create an additional plot fronting Laburnum Road on which the proposed dwelling is to be built. This part of the existing plot currently houses a number of sheds sited along the rear boundary.

8.6 The surrounding plots, are fairly uniform in size and shape, with the properties fronting Elm Drive and neighbouring streets (namely Maytree Walk) having similar scale dwellings and long rear gardens. Laburnum Avenue varies from this dominant development pattern, largely due to Goldstone Primary School and hospital grounds sited to the east. The existing bungalow directly adjoining the rear boundary of the site, forms an anomaly and planning history reveals that the bungalow was built in association with Goldstone Primary School forming caretaker's accommodation. The Bungalow is set back from Laburnum Avenue and within the school grounds and therefore does not appear overly dominant within the streetscene. It is evident on the site plan that the bungalow is set on a large plot and has a substantial garden area.

8.7 The proposed plot by reason of its limited size, despite the slight increase in width since the previous refused application, would still be of a size that is out of keeping with those in the surrounding area. The plot would appear out of character within the wider context and pattern of development. The proposed dwelling would appear cramped by reason of its plot coverage and would result in an over-development of the site. Furthermore the existing plot, due to its reduced rear garden would also appear out of keeping with the surrounding layout.

8.8 The applicant has submitted a Design and Access Statement which details a plot size comparison of nearby properties. It appears that only the amenity areas have been calculated, however it is considered that the area of the whole plots is more relevant in comparing the proposed development with the existing density and development pattern of the nearby vicinity. The properties that have been listed are 161 Elm Drive, 159 Elm Drive, 132 Elm Drive, 1 Moyne Close and The Bungalow Laburnum Avenue. Measuring the total plot area, the smallest of these examples is 132 Elm Drive, which has a total plot size of approximately 161m². The proposed plot would measure 128m². Due to the

siting of the plot, the plot size and its shape, including the limited depth and rear garden area, would be apparent and would be noticeably different from the surrounding plots which are much larger.

- 8.9 Given that the proposed site, together with the reduced size of 161 Elm Drive, is not consistent with the plot sizes and shape of those in the surrounding area it is considered an inappropriate proposal that fails to take into account the local characteristics of the surrounding area, contrary to policy CP12 of the Brighton and Hove City Plan Part One. It is considered that the density of the proposed development, indicated by the cramped appearance of the amenity space compared to the surrounding area, would be out of character with the neighbourhood.
- 8.10 The existing corners on this junction with Elm Drive, Laburnum Avenue and Maytree Walk provide visual gaps and a break in development. Where development has occurred on these corner plots it is in the form of rear garages or sheds, which appear to be ancillary to main dwellings and therefore remain subservient and do not form an overdevelopment of the existing plot. The introduction of a dwelling in this location would appear unduly dominant, resulting in a loss of the visual relief and forming an overdevelopment of the site.
- 8.11 **Design and Appearance:**
The proposed dwelling would be in the form of a barn hipped roof bungalow, with accommodation in the roofspace. Rooflights would be positioned in the front and rear roofslopes. The dwelling would be finished with render and boarding, similar to the main dwelling. The roof would be constructed using slate tiles.
- 8.12 The existing crossover would be relocated to serve the proposed dwelling and an off street car parking space would be provided.
- 8.13 Notwithstanding the fundamental issue of the subdivision of the plot, the overall design of the proposed dwelling does not raise design concerns.
- 8.14 **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.
- 8.15 The proposed site has neighbouring, residential properties to the east and south that are potentially impacted by the development as well as the existing dwelling to the west.
- 8.16 The proposed dwelling would sit approximately 2m from both the east and south boundaries. Given the separation it is considered that the proposed dwelling would not cause significant harm in terms of loss of light or outlook. The

dwelling would be over 3m from the new boundary to the west. Again this separation is considered sufficient.

8.17 The ground floor windows would be screened by the boundary treatments and would not overlook neighbouring properties, including the existing dwelling 161 Elm Drive. Given the positioning and angle of the rooflights, no significant harm would be caused.

8.18 **Standard of Accommodation:**

The proposed dwelling would provide a two bed unit, with the living accommodation and a bedroom on the ground floor and a bedroom in the roofspace. The dwelling would have a floor area of approximately 70m², which is a significant increase from the floor area of the previously refused application. The revised roof form has also increased the head height for the main bedroom, which would now have an adequate useable floor area. The proposed dwelling is therefore considered to have an acceptable layout for the potential number of occupiers. The accommodation in the roofspace, whilst it would have limited head height in some areas which formed a concern for the previous application, the revised roof form and additional width has increased the overall useable space on this level.

8.19 The private amenity space provided for the size of the new dwelling is considered acceptable and in accordance with policy HO5 of the Brighton and Hove Local Plan.

8.20 The resultant garden of the existing dwelling would be substantially reduced. Notwithstanding the concerns outlined above, the new subdivided garden is considered sufficient for the occupiers of 161 Elm Drive, in terms of policy HO5 of the Brighton and Hove Local Plan.

8.21 **Sustainable Transport:**

The applicant is proposing a space containing 3 cycles for the proposed development and space for 2 cycles for the existing dwelling. It is however unclear how the cycles are covered, secured and accessed. The proposed number of cycle spaces is considered acceptable and would meet the maximum standards outline within SPD14.

8.22 The existing vehicular access on Laburnum Avenue is being relocated several metres west of its current location. This is deemed acceptable in principle; however the applicant must apply for a licence from the City Council's Streetwork's team.

8.23 The proposed relocation of the crossover means that the existing crossover is to become redundant and should be removed and the footway and kerb edge reconstructed and reinstated.

8.24 The applicant is proposing to remove the garage from the existing house and create a car parking space for the proposed new house. This proposed new space is acceptable and in line with Parking Standards SPG04.

8.25 This proposal does mean that any car parking associated with the existing house (now or in the future) is likely to be on the highway, however the likely car parking associated with the existing house is deemed unlikely to have a significant impact on the surrounding network. The level (nil) is in line with the City Council's maximum car parking standards and therefore the Highway Authority has no objection to the removal of car parking associated with the existing house.

8.26 **Sustainability:**

Policies SU2 of the Brighton & Hove Local Plan and CP8 of the 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. This could be secured by condition if the proposal overall were acceptable.

9. EQUALITIES

9.1 None identified.

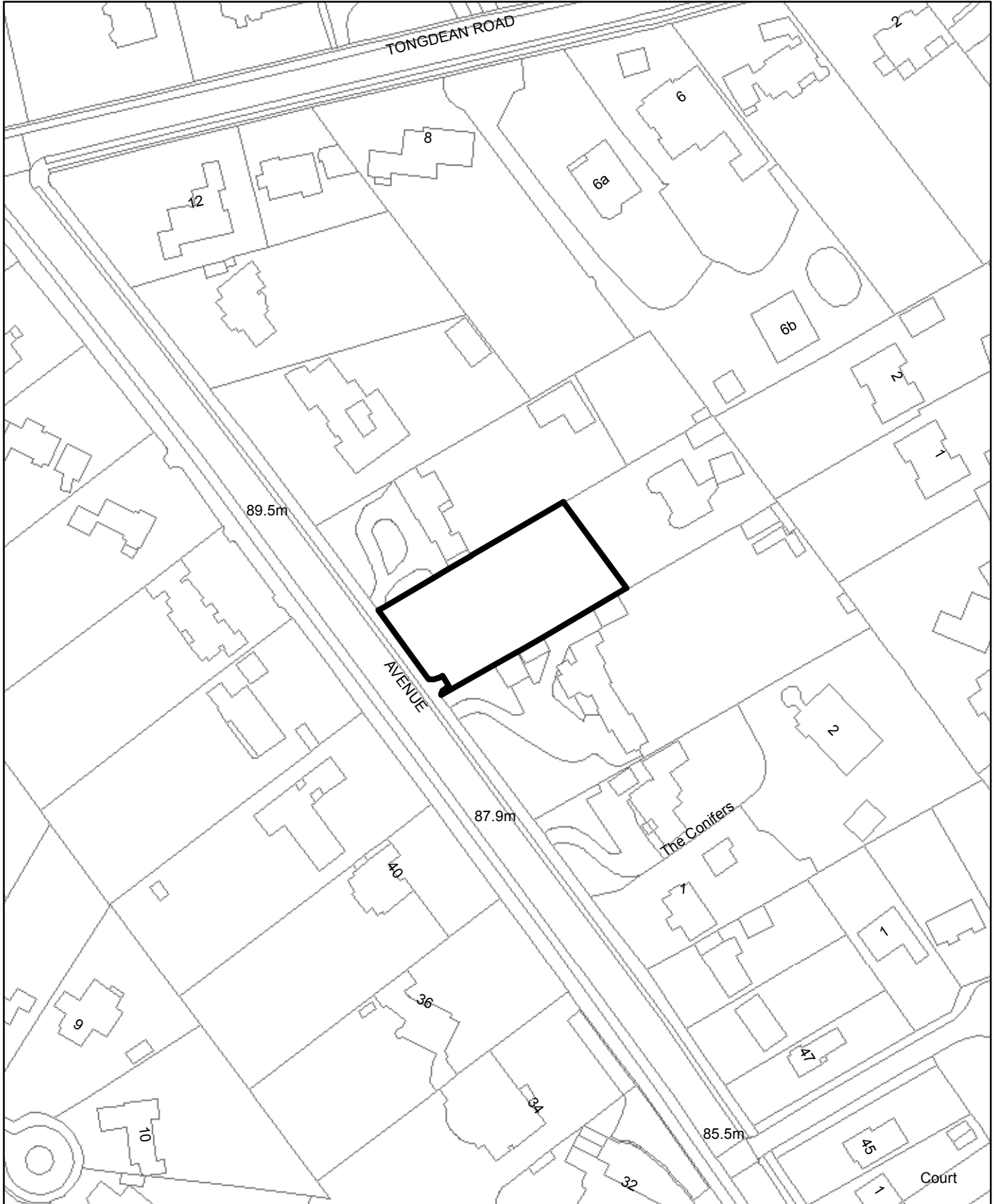
ITEM G

57 Tongdean Ave, Hove

BH2016/05739

Full Planning

8th March 2017



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05739	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	57 Tongdean Avenue Hove BN3 6TN		
<u>Proposal:</u>	Erection of 1no five bedroom single dwelling (C3) with double garage, associated landscaping, replacement of boundary walls and gate.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	18.10.2016
<u>Con Area:</u>	Tongdean Conservation Area	<u>Expiry Date:</u>	13.12.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Farshid Moussavi Architecture, 66 Warwick Square, London, SW1V 2AP		
<u>Applicant:</u>	Mr Farshid Moussavi, 52 Belgrave Road, London, SW1V2DA		

1. RECOMMENDATION

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

- 1 The proposed development, by reason of its inappropriate design and detailing, including the roof form, fenestration detailing and materials, would result in a development which would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would appear unduly dominant and incongruous within the streetscene and would be detrimental to the character and appearance of Tongdean Avenue streetscene and the wider Conservation Area, and is thereby contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan.
- 2 The applicant has failed to demonstrate that the loss of the existing trees is appropriate as well as demonstrate any mitigation measures or replanting schemes to compensate for the loss. The proposal would therefore harm the visual amenities of the area and would be contrary to policy QD16 of the Brighton and 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 is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	FMA-283-GA-103-01		18 October 2016
Floor Plans Proposed	FMA-283-GA-104-02		15 November 2016
Floor Plans Proposed	FMA-283-GA-105-02		15 November 2016
Elevations Proposed	FMA-283-GA-106-02		15 November 2016
Elevations Proposed	FMA-283-GA-107-02		15 November 2016
Elevations Proposed	FMA-218-GA-108-02		15 November 2016
Sections Proposed	FMA-218-GA-109-01		18 October 2016
Block Plan	FMA-283-S-021-01		18 October 2016
Site Layout Plan	FMA-283-GA-100-01		18 October 2016
Site Layout Plan	FMA-283-GA-101-01		18 October 2016
Roof Plan Proposed	FMA-283-GA-102-01		18 October 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to an undeveloped plot of land on the east side of Tongdean Avenue, close to the junction with Tongdean Road and within the Tongdean Conservation Area. The plot has been historically subdivided, and an existing dwelling, 57A Tongdean Avenue, is situated at the rear, 67m from the road. The plot measures 20m wide and 50m deep.
- 2.2 Tongdean Avenue is predominantly residential and comprises large detached houses of varying designs but mostly two storeys in height with brick and clay tiled pitched roofs. There is space between the buildings and the area is characterised by a green setting with many trees. The properties generally follow a building line set back from the street by 22m to 24m.
- 2.3 The application seeks consent for a two storey detached dwelling with double garage, associated landscaping and replacement of boundary and walls.

3. RELEVANT HISTORY

BH2015/02659 Erection of 1no five bedroom single dwelling with double garage to front garden of existing property. Refused 8/2/16.

BH2013/01084 Outline application with all matters reserved for the erection of a detached two storey dwelling with double garage. Approved 17/06/2013.

BH2004/01857/OA Outline application for the erection of a single dwelling with double garage. Approved 15 December 2004.

4. REPRESENTATIONS

4.1 **Three (3)** letters have been received, objecting to the proposed development for the following reasons:

- Design
- Unsympathetic materials
- Overlooking and loss of privacy
- Out of keeping with Conservation Area

4.2 **Forty-two (42)** letters have been received, supporting the proposed development for the following reasons;

- Contemporary design
- Clearing the overgrown site
- Dwelling appropriately sized and not overbearing
- Reduction in rubbish and rodent infestation on the site

4.3 A petition with 15 signatures in support of the application has been received.

5. CONSULTATIONS

5.1 **Environmental Health:** No Comment

5.2 **Arboriculture:** Objection

The Arboricultural team objection to this application as it will result in the loss of a number of trees and be detrimental to the local street scene and Conservation Area.

5.3 **Heritage:** Objection

The character of this Conservation Area, allows well designed new buildings that acknowledge the identified common architectural language of the setting to sit successfully alongside the more established properties of the area.

5.4 As with previous proposals for the development of this plot the general scale and positioning of the proposed building is considered acceptable, however it is considered that there are aspects of the proposal that contrast so significantly from the already diverse range of architectural approaches, that the result would be a prominent divergence from the established mix and would not be considered to 'preserve or enhance the Conservation Area' as required by the principal legislation.

5.5 Specifically the zinc roof would be an alien feature. 'Prominent pitched roofs' are one of the few architectural elements identified as a feature in the area and clay tiles being the most common roofing material. The shallower pitch and lack of overhanging eaves, along with the unusual material for this location would make it stand apart from its neighbours.

- 5.6 This building would also be over dominant in the street scene due to its simple plan form and roof shape, both unvaried by changes in plain, shadow lines or protrusions. In this respect the architecture does not relate its context and would be overly dominant.
- 5.7 As mentioned above, the ample screening makes an important contribution to the character of this Conservation Area. It is noted that the trees to be removed are not identified as particularly good specimens, however their impact as a green buffer is never the less important and replacement planting of a suitable nature should be required as part of any approval.
- 5.8 It is therefore not considered that this application would meet the tests of the principle legislation or national guidance, and would not comply with local policies and therefore cannot be supported in its current form.
- 5.9 **Sustainable Transport: Comment**
The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.
- 5.10 **Conservation Advisory Group (CAG): Objection**
The application was introduced by Bob Ryder on behalf of the Hove Civic Society. The Group recommend refusal. It considered the design to be banal and disappointing and that it did not relate to the basic character of the conservation area and the neighbouring buildings.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP14 Housing density
CP15 Heritage

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

TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design of the building and the impact on the character and appearance of the Tongdean Conservation Area, its impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, and transport and sustainability matters.
- 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 24th 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:**
Outline planning permission was granted on 17 June 2013 for a two storey dwelling with side double garage. Under this application the plot was considered sufficient to accommodate a detached dwelling and the principle is established. The reserved matters included layout, scale, appearance and landscaping. The indicative plans accompanying the outline application detailed a more traditional style building with a tiled pitched roof.
- 8.4 A dwelling in this location is therefore considered acceptable in principle, however the dwelling should be well designed and appropriately scaled so as

not to be detrimental to the prevailing character of the streetscene and the surrounding Conservation Area.

8.5 This current application follows a previously refused planning application **(BH2015/02659)** for a similar development of a contemporary two storey detached dwelling. The grounds for refusal were as follows;

- a) The proposed development, by reason of its inappropriate roof form, design and detailing, would result in a development which lacks cohesion and would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would appear unduly dominant and incongruous within the streetscene and would be detrimental to the character and appearance of Tongdean Avenue streetscene and the wider Conservation Area and is thereby contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
- b) The applicant has failed to demonstrate that the loss of the existing trees is appropriate as well as demonstrate any mitigation measures or replanting schemes to compensate for the loss. The proposal would therefore harm the visual amenities of the area and would be contrary to policy QD16 of the Brighton and Hove Local plan.

8.6 The key differences between the current proposal and the refused application include;

- Revised roof form to a shallow hipped roof from the previously proposed roof form which included a two mono pitched roofs in a staggered arrangement.
- Revised footprint to incorporate flush front and rear facades from the previously proposed staggered building lines.
- Revised fenestration design, positioning and window proportions.
- Revised materials to include white brick.

8.7 In both the current and 2015 applications, the design of the dwelling differs significantly from the design submitted for the 2013 outline application.

8.8 **Design and Appearance:**

The site is located within the Tongdean Area Conservation Area, the character of which is one of large dwellings of varying appearance and scale, however the majority of properties share key characteristics. The Tongdean Area Conservation Area Character Statement states that 'there is a variety of architectural styles in a variety of materials, reflecting both the architectural eclecticism of the period and the manner in which they were individually commissioned and built. But the most common style is a form of Tudor Bethan or vernacular revival in brick, tile and half-timbering. There are notable common architectural features: prominent pitched roofs, chimneys and gables'. The statement also goes on to say that 'Brick and clay roof tiles are the predominant materials generally and will in some cases have been locally sourced. But throughout the area the emphasis is on good quality materials'.

- 8.9 The design of the proposed dwelling fails to incorporate key characteristics of the locality as described within the Conservation Area Character Statement. The dwelling would be of modern design constructed from white brick and slate roof. Whilst it is acknowledged that revisions have been made to the design since the previous refusal, such as the omission of the staggered footprint and staggered mono pitched roofslopes, there are still serious concerns with the overall appearance of the dwelling.
- 8.10 The Heritage Officer states that the scale and positioning of the dwelling is acceptable, however some aspects of the proposal contrast so significantly from the already diverse range of architectural approaches, that the result would be a prominent divergence from the established mix and would not be considered to 'preserve or enhance the Conservation Area' as required by the principal legislation.
- 8.11 Specifically the zinc roof would be an alien feature. As identified within the Conservation Area Character Statement 'prominent pitched roofs' are one of the few architectural elements identified as a feature in the area and clay tiles being the most common roofing material. The shallower pitch and lack of overhanging eaves, along with the unusual material for this location would make it stand apart from its neighbours.
- 8.12 The building would also be overly dominant in the street scene due to its simple plan form and roof shape, both unvaried by changes in plain, shadow lines or protrusions. The majority of properties within the streetscene provide this through projecting elements and gable features. In this respect the architecture does not relate to its context and would be overly dominant. This is also exacerbated by the shallow roofslopes which visually increases the bulk below the eaves level and results in the dwelling appearing 'boxy'. This is exacerbated by the proposed windows which, due to their large proportions, positioning and lack of detailing would add to the non-characteristic appearance and visual dominance of the dwelling. These features result in the dwelling appearing out of scale with the adjoining neighbours.
- 8.13 The proposal would therefore fail to preserve or enhance the character of the Conservation Area - as required by the Planning (Listed Building and Conservation Areas) Act 1990, or sustain or enhance the significance of the Heritage asset - as set out in the National Planning Policy Framework.
- 8.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers under the Planning Acts in respect of buildings or other land within a Conservation Area, the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a Conservation Area. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the Conservation

Area. The proposed scheme would cause significant harm to the Conservation area and it is not believed that there are any material considerations that would be powerful enough to outweigh this harm.

- 8.15 It is acknowledged that a small handful of properties have been modernised within the street, and whilst utilising modern materials (render and slate) these properties have retained pitched roofs. There is one example, 42 Tongdean Avenue (opposite the site) where the replacement dwelling has a flat roof. Whilst this dwelling does appear out of keeping with the immediate context due to the roof form, the elevation below has a more traditional and coherent appearance, achieved through the regular rhythm of the fenestration and detailing. Furthermore, in retrospect the flat roof is of little design merit, however its existence is far less conspicuous than that of the proposed dwelling.
- 8.16 Despite this example, pitched roofs are still a strong and prevailing feature within the road, and are evident on the properties either side of the application site, which due to the large plots, set the immediate context that the dwelling would be viewed within. The scheme would be contrary to policy CP12 which seeks all development to raise the standard of architecture and design in the city and conserve or enhance the city's built and archaeological heritage and its settings.
- 8.17 The submitted Design and Access Statement and the proposed visuals show a new front boundary. Insufficient details have been submitted to fully assess the appropriateness of this boundary, however the submitted visuals do indicate that the boundary would provide little screening and the dwelling would still be visually prominent within the streetscene.
- 8.20 It is proposed to install a green wall on the northern side elevation. There is no objection to this element of the scheme.
- 8.21 Standard of Accommodation:
The scheme results in the formation of a two storey dwelling with an additional basement level. The scheme proposes open plan living areas on the ground floor and basement levels and five bedrooms on the first floor. The size and layout of the dwelling would be acceptable for the potential numbers of occupiers. The ground and first floors would be served by large windows providing sufficient levels of light, outlook and ventilation into habitable rooms. The basement level would be staggered further forward than the upper floors, and a lightwell and basement level patio would provide the light and outlook to the kitchen and family room. In this case, whilst the levels of light and outlook would be restricted due to the basement siting, this layout would not cause significant harm to future occupiers who would have use of the upper living areas and would not be limited to just the basement area.
- 8.22 Policy HO5 requires the provision of private outdoor amenity space for residential development. Due to the size of the plot, adequate amenity space would be provided to meet the requirements of policy HO5.
- 8.23 **Impact on Amenity:**

The proposed dwelling would be over 40m from the existing dwelling at the back of the site 57A Tongdean Avenue, and separated by a tall boundary wall and hedgerows. The rear first floor windows whilst allowing some views towards this neighbouring property, given the substantial distance, any overlooking or loss of privacy would not be significant.

- 8.24 The proposed dwelling would be built on a similar building line as the property to the west, 59 Tongdean Avenue. There would be a separation distance of approximately 3.5m, as well as heavy planting and hedgerows along the boundary. It is therefore considered that the dwelling would not result in significant overshadowing or loss of light to this neighbouring property. There would be three upper level windows facing 59. These openings serve the bathroom and dressing rooms and are shown as obscure glazed.
- 8.25 To the east, 55 Tongdean Avenue is set much further from the shared boundary and the properties are separated by the shared driveway. Therefore it is unlikely that the proposal would have any adverse effects on this property.
- 8.26 In this location given the amount of tree coverage and landscaping, together with the alignment of the proposed dwelling with adjoining properties and the separation distances from those properties it is not considered the proposed dwelling would result in any significant loss of residential amenity.
- 8.27 **Sustainable Transport:**
The vehicular access to the garage would be from the existing shared driveway, that also serves the adjoining property 57A Tongdean Avenue.
- 8.28 The applicant has stated that four cycle parking spaces would be provided within the garage. This is in excess of the minimum standard required by SPG4. The garage is of appropriate dimensions to facilitate the storage and the arrangement would be suitable for a single private dwelling. Two car parking spaces would be provided which is also acceptable. Furthermore any overspill and any impact on the highway would be limited.
- 8.29 **Sustainability:**
Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modifications September 2015) 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. This could be secured by condition if the proposal overall were acceptable.
- 8.30 **Arboriculture:**
The site does not contain any trees protected by Tree Preservation Orders but the existing trees do contribute to the surrounding Conservation Area. The local area has good tree cover benefiting largely by virtue of the larger garden sized in the locality. The plot is a former garden, now overgrown with a good number of mainly evergreen trees.

- 8.31 The applicant has submitted an arboricultural report which highlights that 16 trees are to be felled plus some smaller younger trees in a group from the frontage. It is shown that 13 trees are to be retained, these are equally split between evergreen and deciduous species but are in the main smaller specimens and located to the rear of the site. Amongst the losses is a large Tulip tree towards the centre of the site, whilst there is some minor decay at its base along with a weak branch union, it remains a prominent tree. It is also identified that an Elm tree within the front garden, along the southern boundary is to be felled. The arboricultural report indicates that this tree is a category C tree and is of low quality with an estimated life expectancy of at least 10 years. The Arboricultural Officer has commented on the application and does not consider that any of the trees are worthy of a TPO, however their group value is considered significant.
- 8.32 The effect of the initial site clearance will denude much of the site of its tree cover. The Arboricultural Officer has raised concern that some of the trees shown for retention will be impacted upon by the construction works but more importantly will restrict the use of the garden area and light access to the dwelling. The likely longer term impact even with the proposed replacement planting is an erosion of the tree cover in the area.
- 8.33 The applicant has failed to demonstrate satisfactorily that the loss of the existing trees is appropriate as well as demonstrate any sufficient mitigation measures or replanting schemes to compensate for the significant loss of trees. Furthermore the ample screening makes an important contribution and would provide a green buffer within the streetscene for any new dwelling.
- 8.34 Whilst individually the trees on site are not of the highest public amenity they do collectively contribute to the leafy nature of the local area. This loss will have a negative effect on the Conservation Area and for these reasons the Arboricultural Officer objects to the application.

9. EQUALITIES

- 9.1 None identified

ITEM H

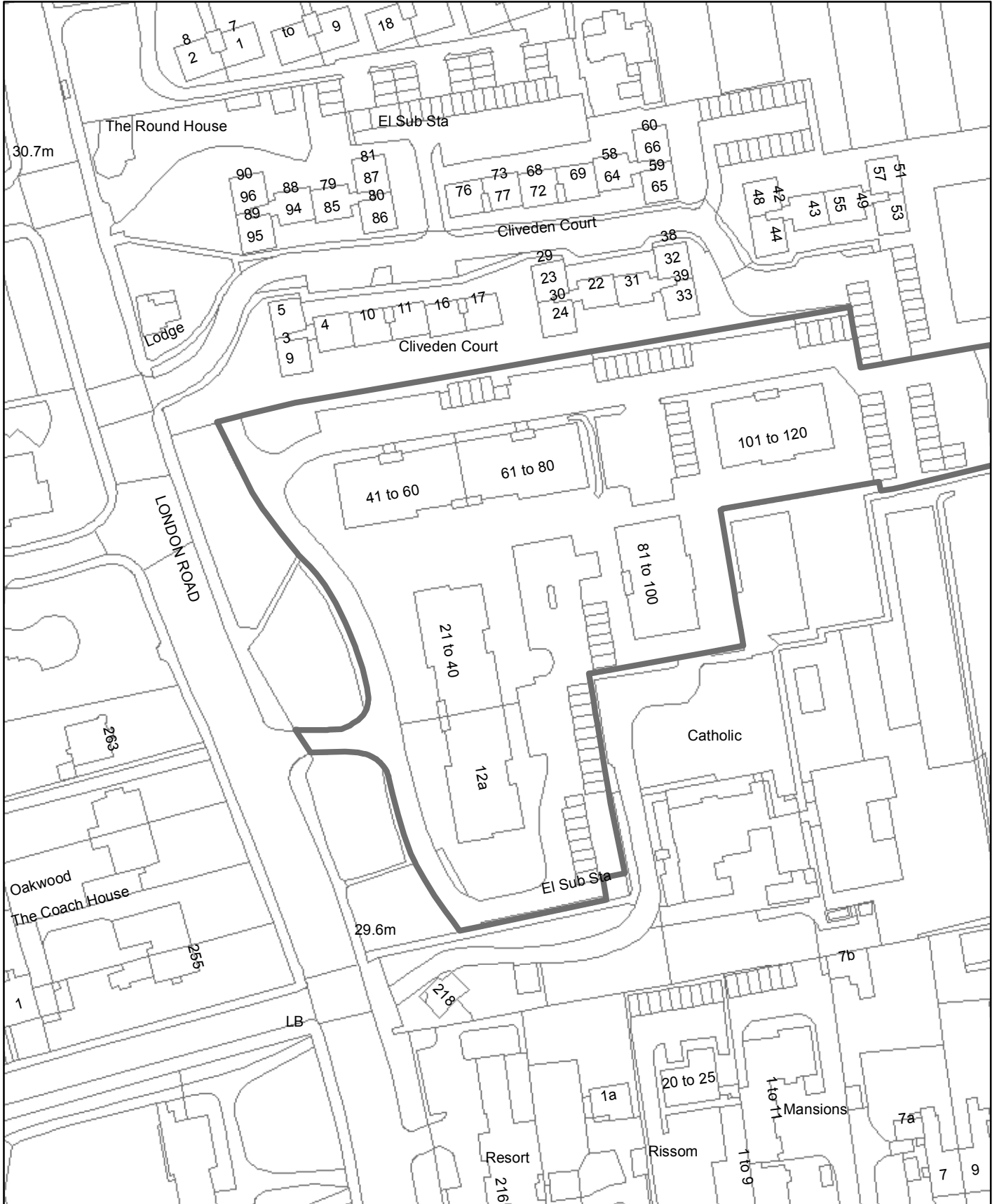
Block C Kingsmere, London Road, Brighton

BH2016/02841

Full Planning

DATE OF COMMITTEE

BH2016/02841 Block C, Kingsmere, London Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/02841	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block C, Kingsmere London Road Brighton		
<u>Proposal:</u>	Erection of roof extension to from four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	01.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Strutt and Parker, 201 High Street, Lewes, BN7 2NR		
<u>Applicant:</u>	Spurpoint Ltd c/o Strutt & Parker, 201 High Street, Lewes, BN7 2NR		

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	-		29 July 2016
Site Layout Plan	A1215/02	C	29 July 2016
Floor Plans Proposed	A1215/08	E	29 July 2016
Elevations Proposed	A1215/09 (NORTH)	D	29 July 2016
Elevations Proposed	A1215/10 (SOUTH)	D	29 July 2016
Elevations Proposed	A1215/11 (EAST)	E	29 July 2016
Elevations Proposed	A1215/12 (WEST)	E	29 July 2016
Roof Plan Proposed	A1215/14	E	29 July 2016

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Notwithstanding the approved plans, no development shall take place until samples of the 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 (balustrade and railing);
- e) Samples of all other materials to be used externally;
- f) Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 4 The residential unit hereby approved shall not be occupied until it 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.

- 5 The residential unit hereby approved shall not be occupied until it 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.

- 6 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.

- 7 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.

- 8 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.

- 9 No construction or building work associated with the development hereby approved shall take place on the site for the duration of the implementation of the works except between the hours of 8:00 and 18:00 on Mondays to Fridays and 8:00 and 12:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of properties immediately adjacent and to comply with policies SU10 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats.
- 2.2 Block C is situated on the northern side of the site set parallel to the western boundary and is the furthest block from London Road. Block C is a four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is bound to the south east and west by the Preston Park Conservation Area, although the site itself is outside of the Conservation Area.
- 2.4 Permission is sought for the erection of an additional storey to block C in order to provide further accommodation in the form of four two bedroom flats. The new storey would be of a similar design to that which has been approved on the other blocks within the estate.

3. RELEVANT HISTORY

BH2016/02488 - Application for removal of condition 12 of application **BH2012/03673** (Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage) which required a detailed Construction Specification/Method Statement for the construction of the

cycle storage to be submitted to and approved in writing by the Local Planning Authority. Approved 04/07/2016.

BH2016/01297 - Application for removal of conditions 5 and 11 of application **BH2012/03673** (Erection of additional storey to blocks A and B to create 8no flats with private gardens, with associated cycle storage (Amended Description)) that require a Code for Sustainable Homes rating of level 3 to be achieved and details to be submitted to and approved by the Local Planning Authority. Approved 13/06/2016.

BH2016/00254 - Application for removal of condition 6 of application **BH2015/02713** (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained. Approved 19/07/2016.

BH2015/04074 - 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. Approved 31/05/2016.

BH2015/02713 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Approved (Committee) 18/11/2015

BH2015/01454 - Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens. Approved 24/09/2015.

BH2012/03673 - Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage. Approved after Section 106 signed. 04/09/2013.

BH2011/03432 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Refused 21/03/2012. Allowed on appeal 05/10/2012. This permission expires on the 5th of October 2015.

BH2011/01101 - Additional storey to form 4 no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2012.

BH2010/02056 - Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010.

BH2007/02691 - Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below). Refused 05/09/2007 - Appeal Dismissed 03/04/2008.

BH2007/00709 - Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'. Refused 16/04/2007.

3/93/0501/OA - Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused 31/08/1993.

73/325 - Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

The Priory London Road Brighton

BH2009/00058 - Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Refused 09/09. Appeal Allowed 09/04/2010.

4. REPRESENTATIONS

4.1 **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- There is already insufficient parking for current residents
- There are plenty empty buildings along London Road
- Why cause disruption to existing properties?
- Noise disruption from building work
- The properties were never built for such purposes
- Will cause unnecessary damage
- Continuous disruption to by building and conversion
- Totally unsuitable for this development
- Parking and rubbish facilities are inadequate
- Another storey would be completely out of character with the surrounding buildings
- The residents would suffer unbearable stress and financial loss
- The noise from rooftop gardens would be a major problem
- Disruption to working from home
- Will increase waiting times for the lift in the block which is very small
- Will increase trapped heat in the building
- The character of the penthouses will no fit with the existing structure
- We do not feel that this is at all in the public interest

4.2 **One** letter has been received providing the following comments:

- No provision for the disabled access and parking
- Will put a severe strain on the existing refuse disposal facilities and recycling points
- The plans to build on all blocks plus the plans for block C would mean a total of 24 additional flats with the potential for, at the very least, 76 more residents

- An unacceptable overdevelopment of the Kingsmere Estate
- There will be a big increase in traffic to and from the A23
- Increase in noise and disturbance for residents during and after construction

5. CONSULTATIONS

5.1 **Planning Policy:** No objection / Objection / Comment

The planning policy team were consulted on the issue of the piecemeal fashion in which the applications have been submitted, the resultant amount of extant permissions on site and whether developer contributions could be sought.

5.2 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application subject to the necessary condition securing cycle parking.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP12 Urban design
 CP14 Housing density
 CP19 Housing mix

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues in the determination of this application are the planning history of the site, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.
- 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 24th 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 **Planning history and principle of development:**
The Kingsmere estate was granted planning permission in January 1973 (**ref 72/4136 & 73/325**).
- 8.4 Planning permission (**BH2007/02691**) was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused on design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.
- 8.5 A planning application (**BH2010/02056**) with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year. That approval was for an additional storey upon blocks E & F. The design had been amended compared to the previous refusal, to present a predominantly glazed upper storey set back

from the existing front, side and rear elevations rather than being flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.

- 8.6 The previous decision to grant the additional storey was also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue **(BH2009/00058)**. This application was similar to the previously approved scheme in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon The Priory as a material consideration in determining this application.
- 8.7 Planning permission was allowed upon appeal after refusal by Planning Committee for a roof extension to Blocks E & F Kingsmere **(BH2011/03432)** to provide 8 no. flats each with own private roof garden. Since the allowed appeal an identical scheme was approved by Planning Committee for a roof extension to Blocks E & F **(BH2015/02713)**.
- 8.8 The current proposal, although for less units, is of a similar form to the approved additional storeys on other blocks.
- 8.9 It has been noted that there are a number of extant permissions for residential units on the estate which have been achieved via multiple applications rather than applying for the entire proposal under one proposal. Although the other permissions on site form a material consideration within the assessment of this application, the current proposal is considered a standalone application for four residential units and has been assessed on this basis.
- 8.10 **Design and Appearance:**
In principle, given the planning history of the site, subject to meeting the applicable policies of the Local Plan and other material considerations, the provision of an additional storey in this location is considered to be acceptable.
- 8.11 The additional storey is considered acceptable in scale, height, materials, form, detailing and siting. The proposal is considered to provide a quality design in contrast to the existing building and would provide visual interest to the building.
- 8.12 Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the concentration of the built form to the surrounding area. The additional height would not affect the setting of the Preston Park Conservation Area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

- 8.13 The additional height of the extensions would be approximately 2.8m increasing the building to an approximate total height of 14.5m, with an additional 0.8m protrusion to accommodate the lift motor rooms. The additional storey will be predominantly glazed with sections of wall finished in white painted render. The proposed finish is consistent with approved additional storeys to other blocks and is considered to relate well to the existing building. It is recommended that samples of materials be secured by planning conditions to ensure that a satisfactory finish to the development.
- 8.14 **Impact on Amenity:**
A number of concerns have been raised by objectors relating to potential noise impact of the proposed development. It is considered unlikely that the proposed development, once constructed and occupied, would cause significant noise nuisance for occupiers of the blocks below and of neighbouring properties. This view was supported by within the Inspector's Appeal decision relating to application **BH2011/03432** (Blocks E and F). The Inspector suggested that that disturbance caused during construction works would be a matter for control through the Council's environmental health powers, concerns regarding future occupiers causing additional noise for those below would be dealt with through soundproofing measures and Building Regulations, and that whilst use of the terrace areas could cause some additional noise, this would not cause harm of a magnitude which would warrant the refusal of planning permission.
- 8.15 The terraces would provide views towards neighbouring blocks; however the resultant outlook would be similar to those the existing windows of the block would provide. Whilst a user of a terrace can have a more intrusive impact upon neighbouring privacy as opposed to a window, the block is set away from other blocks in the Estate by 17 metres to the south and 33 metres to the west. Furthermore, many of the terraces would not face directly towards the neighbouring blocks as they would overlook the Primary School to the south and the boundary of the site to the north.
- 8.16 **Standard of Accommodation**
The four units each provide two bedrooms, a bathroom, a shower room and an open plan living / kitchen room. Flats 120A and 102D would be arranged as a mirror image of each other providing one double and one single bedroom with a gross internal floor area of approximately 61m². Flats 120B and 120C would also be have matching floorplans each providing two double bedrooms with a gross internal floor area of approximately 72m². The level of floor space provided is in line with the National Described Space Standards which recommends 70m² for a flat with two double bedrooms and 61m² for a one bedroom flat.
- 8.17 On this basis in addition to the outdoor space provided for each flat, the proposed development would provide an acceptable standard of accommodation in accordance with policy QD27.
- 8.18 In regard to access standards, Government have advised that the Council can no longer secure Lifetime Homes Standards; the current standard in this regard is Building Regulations Optional Requirement M4 (2) (accessible and adaptable

dwelling) and given that there is lift access within the blocks it is recommended that compliance with this standard be secured by planning condition to address the objectives of Policy HO13.

8.19 Sustainable Transport:

No car parking is provided as part of the current application with the applicant citing the good accessibility of the site by other modes, being a Sustainable Transport Corridor as reason to suggest that not all future occupants will choose to own or travel by car. The Highway Authority would agree that a degree of car parking restraint is appropriate in this location on the basis that it is not considered that overspill parking would result in a severe impact on the surrounding highway, particularly owing to the presence of restrictions in the immediate vicinity of the site.

8.20 The applicant has submitted the same cycle store details as approved under the recent discharge of conditions application (**BH2016/02486**) relating to the roof extension to Block A and B. The applicant has indicated that this was intended to provide for the additional flats for which there is extant consent across the Kingsmere Estate.

8.21 The consented cycle store provides 32 spaces; however, only 30 of these are provided by means of Sheffield stands. This was acceptable when considering the extant consent requirements; however, it is not considered the wall docking points would be compliant with Brighton & Hove Local Plan policy TR14. This requires cycle parking to be secure (particularly as cycle parking is communal, it should be possible to secure both the wheels and frame) and convenient to access (occupied stands should not obstruct access within the store).

8.22 It is therefore recommended that further details be secured by condition. The applicant is advised that were it not possible to accommodate the required provision inside the store in an acceptable layout, it may be appropriate to provide a small number of uncovered Sheffield stands within the estate which will cater for the visitor requirement.

8.23 Sustainability:

In regard to Sustainability, Government have advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard. Government have introduced transitional optional standards for energy and water usage and it is recommended that these standards be secured by condition to address the requirements of Policy SU2.

8.24 Landscaping:

Whilst it appears that some plants are proposed to the roof terrace areas, no development is proposed at ground level and overall it is considered that it would not be reasonable to secure a scheme of landscaping or ecological improvements.

9. EQUALITIES

- 9.1 It has been noted that concerns have been raised by objectors which fall within the consideration of equalities issues. These concerns relate to the disruption of the proposed construction works and the ongoing impact on residents living within the existing building. Whilst some of the matters raised are beyond the remit of planning control, it is noted that the construction works are likely to cause disruption. Whilst the disruption of the works is unavoidable if permission is granted, in these circumstances it is considered that restricted hours of construction should be secured by condition to mitigate these impacts.

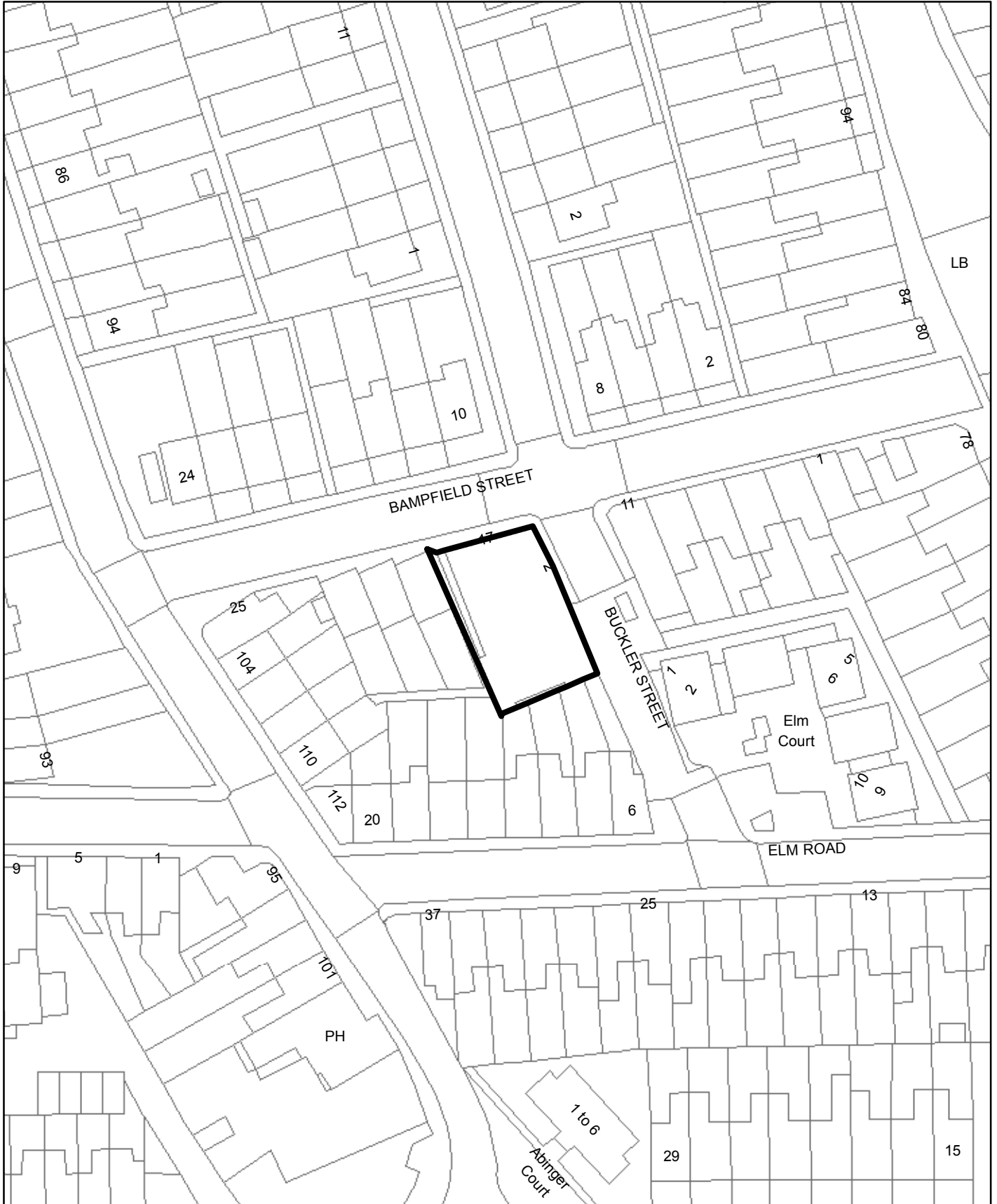
ITEM I

17 Bampfield Street, Portslade

BH2016/02846

Full Planning

DATE OF COMMITTEE



**Brighton & Hove
City Council**



Scale: 1:705

<u>No:</u>	BH2016/02846	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Bampfield Street, Portslade		
<u>Proposal:</u>	Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	01.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Deacon and Richardson Architects	253 Ditchling Road	Brighton BN16JD
<u>Applicant:</u>	Mr Michael Shoulders	17 Bampfield Street	Portslade BN41 1SE

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

S106 Heads of Terms

- A Transport Contribution of £7,200 to be allocated towards pedestrian facility improvements on routes between the site and local facilities including parks and schools. This will include dropped kerbs and tactile paving at, but not limited to, the junction of Bampfield Street, Buckler Street and Hurst Crescent.
- A Residential Travel Plan to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
 - 2 month public transport voucher per household for first occupant;
 - The provision of welcome packs including public transport routes, timetables and walking and cycling maps for first occupant.
 - An affordable housing contribution of £87,500.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	3598.PL.001 (PROPOSED)		29 July 2016

Location and block plan	3568.EX.001 (EXISTING)		29 July 2016
Floor Plans Proposed	3568.PL.100 (GFF)		29 July 2016
Floor Plans Proposed	3568.PL.101 (FF)	A	27 November 2017
Floor Plans Proposed	3568.PL.102 (SF)	A	27 November 2017
Sections Proposed	3568.PL.200 (AA AND BB)	A	27 November 2017
Elevations Proposed	3568.PL.300 (E AND S)	A	27 November 2017
Elevations Proposed	3568.PL.301 (N AND W)	A	27 November 2017
Streetscene elevation proposed	3568.PL.302		29 July 2016

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

- 3 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas 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 and Hove City Plan Part One.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or provision within the curtilage of the dwellings, as provided for within Schedule 2, Part 1, Classes A-E, other than those expressly authorised by this permission, shall be carried out within the curtilage of any dwelling house.
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 policy QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 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.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- The phases of the Proposed Development including the forecasted completion date(s)
 - A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - Details of hours of construction including all associated vehicular movements
 - Details of the construction compound
 - A plan showing construction traffic routes
 - An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 7 The dwellings hereby approved shall be completed in accordance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to the 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 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.

- 8 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% 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.

- 9 None of the residential units hereby approved shall be occupied until each residential unit has achieved a water efficiency standard using not more than 11litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 10 The development hereby approved shall not be first occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. They shall be retained as approved and for that use thereafter.
- 11 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) An intrusive site investigation report as per the recommendation contained within the Preliminary Ground Contamination Risk Assessment Report, Ashdown Site Investigation Ltd Report No. R16-11471/ds and dated June 2016.
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then:
 - (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 12 The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (11)b that any remediation scheme required and approved under the provisions of condition (11)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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. The site is potentially contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.

3. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received both during construction and after completion with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
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); 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 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a corner plot on the junction of Bampffield Street and Buckler Street. The site comprises a part single and part two storey building which has been extended over a period of time to occupy the majority of the site with a small yard to the rear and an access alleyway running parallel to the western boundary. The existing building is used as a mixture of retail (Class A1) with a shop forecourt to the front of the building for and a light industrial workshop (Class B1) over the rest of the site.

- 2.2 The site sits within a low point of Bampfield Street which rises to the east and west. The area is residential in character with a mixture of two and three storey terraced properties of mixed styles. The site backs onto the gardens of a number of residential units on Elm Road.
- 2.3 The application seeks permission for the demolition of the existing unit and the erection a part two, part two and one half storey building comprising a studio flat, two one bedroom flats and three two bedroom houses. The flats would be set in a block located on the junction of Bampfield Street and Buckler Street whilst the houses would be terraced, adjoining the block to the south and fronting onto Buckler Street.
- 2.4 The application has been amended from the original submission by way of the internal alteration to the second floor flat to form a studio rather than the previously proposed one bedroom flat. Furthermore the fenestration has also been revised in order to improve the light and outlook of the rear bedrooms within each of the proposed terraced properties.

3. RELEVANT HISTORY

BH2016/00595 - Certificate of Lawfulness for existing use of property as a Sui Generis mixed use of retail (A1) and light industrial (B1). Approved April 2016.

3/86/0780 - Change of use to include garden machinery sales and servicing together with existing light engineering and alterations to front and side elevations. Approved November 1986.

3/82/0707 - Front extension to factory workshop to display goods for sale. Approved 23 December 1982.

3/79/0683 - Change of use from light engineering and manufacture of thermometers into light engineering and lawn mower servicing. Approved 30 November 1979.

4. REPRESENTATIONS

Sixteen (16) letters have been received objecting to the proposed development for the following reasons:

- Overlooking from end working
- Increase overstretched parking
- The area can't take more housing
- The street is narrow with limited parking
- No facility for car parking
- One storey higher than any other houses in the block
- Overshadowing
- Loss of privacy
- Increase in noise and disturbance from the construction

- Not in keeping with the area
- The change of use would not reduce traffic and parking, especially at night
- Too many properties
- On street parking is already a huge problem
- The balcony is out of character
- Ambitious for the size of the site
- New builds are not in character with the street
- Noise and mess in a very small road
- Increase in general noise and comings and goings
- Would prefer new homes of a size suitable for families
- Extra strain on drainage system, flooding in 2014 and 2015
- Would restrict access for emergency vehicles
- Other building works on Abinger Road have already caused ongoing disruption

Following an amended description and a second consultation period (28/12/16) a further **six (6)** letters have been received objecting to the proposed development for the following reasons:

- No clear indication of the amended documents
- Letter has not been sent to all of the residents who objected
- It is unbelievably ridiculous to build and homes in the space that would be left in the area.
- No space for garages in an already overcrowded area
- We still stand by our original objections
- 2 homes with gardens and parking would be far more reasonable.
- Associated traffic works would be a nightmare
- Too many small flats have been proposed
- Multiple flats is not in keeping with the rest of the street.
- Lack of parking
- Two of the buildings would be one storey higher than any other block.
- Overshadowing, overlooking, loss of privacy
- Increase in noise disturbance
- Are they affordable houses?

Following the additional consultation (28/12/16) a further **two (2)** letters have also been received providing the following comments:

- No clear indication of amendments
- No updates to comment on

5. CONSULTATIONS

5.1 Sustainable Transport: No objection

The Highway Authority would recommend that a £7,200 sustainable transport contribution is secured by S106 agreement. In addition, a scheme of Travel Plan measures, including public transport voucher, would be requested. It is considered that such measures are necessary in the context of forecast on-

street parking demand and will provide adequate mitigation for the associated impacts.

5.2 Environmental Health No objection

If the proposal is granted, in order to ensure that the measures detailed in the application and associated reports are implemented and effective, I would recommend applying conditions securing an intrusive site investigation report, a detailed scheme for remedial works and measures to be undertaken and a written verification report.

5.3 Planning Policy Comment

Policies CP3 and SR8 would still apply in this case. It would be preferable to see evidence of marketing of the site for continued employment use, however it is recognised that that the close proximity of residential premises and narrow streets would limit the range of industrial uses that the site would be suitable for.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP3 Employment land
- CP4 Retail provision
- 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
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
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
HO20 Retention of community facilities
SR8 Individual shops

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations material to this application are the principle of the development on the site, the impacts of the proposed dwellings on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability and traffic issues.

8.2 Principal of Development

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 24th 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 Loss of Existing Use:

The application seeks consent for the change of use of the existing mixed use retail and light industrial into 6 residential units. The proposed construction of 6 new dwellings would make a meaningful contribution to housing supply in the

city however this must be weighed up against the loss of the existing use on site.

- 8.4 The premises are being used for a combination of light industrial and retail uses with ancillary storage and office space which has been confirmed under application **BH2016/00595** as a mixed B1 and A1 (Sui Generis) use. The retail element occupies the front of the premises and includes a showroom/shop frontage including a range of garden equipment and machinery for sale. The light industrial element covers the majority of the site with areas of impromptu storage interspersed with machinery for the maintenance and servicing of garden equipment.
- 8.5 The site is located within a street consisting of entirely residential uses. The site is surrounded by residential uses and backs onto a number of residential gardens adjoining the site to the south and west.
- 8.6 Part 5 of Policy CP3 of the Brighton and Hove City Plan Part One states that loss of unallocated sites or premises in employment use 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. Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.7 Policy SR8 of the Brighton and Hove Local Plan relates to individual shops. This policy states that planning permission for changes of use of individual shops will only be permitted provide that the following criteria are met;
- a) The shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
 - b) It has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and
 - c) The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.
- 8.8 The proposed scheme would result in the loss of 355sqm of A1 and B1 (Sui Generis) floorspace. As stated above, policy CP3 seeks the protection and retention of employment uses on unallocated sites and policy SR8 seeks the retention of individual shops outside of the defined retail areas. Whilst the existing site does include elements of both retail and light industrial, the use as a whole does not fall entirely into either use class. As the site does not fall wholly under either use class the policy therefore does not clearly apply in this instance.
- 8.9 If the view is taken that the policy does apply, both criterion (a) and (c) of SR8 have been met as set out below. In relation to criterion (a) of policy SR8 the existing site is located within easy walking distance (0.7m) of the retail area of Boundary Road which includes a multitude of retail uses which would cater for potential future residents. Furthermore the applicant has provided details of a

comparable shop providing a similar service which is also located within walking distance (0.7m) of the site. In addition the applicant has identified that the premises has been reducing activity in recent years and will be closing down regardless of the outcome of the application.

- 8.10 Further details relating to criterion (c) are outlined in more detail below.
- 8.11 There is a lack of evidence in order to address policy CP3 as none has been submitted in order to demonstrate redundancy of the site with regard to employment uses.
- 8.12 It would have been preferable see evidence of marketing of the site for continued employment use, however it is recognised that the close proximity of residential premises and narrow streets would limit the range of industrial uses that the site would be suitable for. Furthermore given the size of the property, it would most likely meet the needs of a small or medium-sized enterprise (SME).
- 8.13 The Employment Land Study (2012) identifies that SMEs play an important role in the economic vitality of the city, and that there is a need for affordable premises for such firms. However, it also recognises that such firms - particularly those in the creative, design and information technology sector - have a strong preference for city centre locations, close to public transport links and other city centre facilities. It identifies that vacancy levels for industrial floorspace is low in the city, but that this is largely driven by the inability of existing firms to find suitable space of a reasonable quality and size for expansion or relocation.
- 8.14 On balance therefore, given the nature and limited usability of the existing site, the residential location in addition to the circumstance that the business will cease to operate regardless it is considered that the proposed construction of 6 new dwellings would overcome the loss of employment space in this instance.
- 8.15 **Design and Appearance:**
The application site comprises a part single, part one and half storey and part two storeys building which has been extended over a period of time to encompass the entire site, having previously been two separate units, and as a result has a somewhat disconnected appearance with various roof forms, pitches, materials and fenestration. The existing building is not considered of architectural merit and in its current form fails to respect the character of the streetscene and its demolition is therefore welcome, however design implications of the proposed building are considered in more detail below.
- 8.16 The existing character of the street is varied consisting of two storey terraced buildings to the north of Bampfield Street in addition to the west and south of the street, whilst to east of the site is a terrace of three storey properties with projecting bay windows and dormer windows set at eaves level. Bampfield Street is set on a moderate gradient which rises to the east and west away from the application site, which rests at a low point within the street. The street consists of a mixed palette of materials ranging from exposed brickwork of

various finishes, rendered brick, and pebbledash. The properties to the south of Bampfield Street are set hard onto the pavement with no setback whilst the properties to the north are setback from the pavement with front gardens and low garden walls.

- 8.17 The proposed built form would be set in an 'L' shape at the junction of Bampfield Street and Buckler Street. The section fronting onto Buckler Street would consist of three two storey terraced buildings with two storey mono-pitch roof projecting outriggers with a single storey infill section to the rear. The two storey terrace would step up to a two and a half storey block fronting onto Bampfield Street, leaving an exposed brick gable wall facing to the south. The block would include dormer windows at roof level and a projection to the western end in addition to a projecting bay to the north elevation. The building footprint would be reduced when compared to the existing footprint in order to create external space to the western edge of the site.
- 8.18 The terraced houses would have a ridge height of 7.4m (with a projecting firewall) compared to the 6.4m / 5.3m ridge of the existing site. The taller block would have a ridge height of 9.5m compared to the 5.3m ridge height of the existing section of the building in this area of the site. The terraced buildings to the west of the site have a ridge height of roughly 8.8m which rises steadily with the topography to the west. The three storey terrace to the east of the site would have a ridge height of approximately 10.4m which also rises with the slope to the east. The proposal at 9.5m would therefore sit between the two structures.
- 8.19 The proposed buildings would be finished in a mixture of rendered and exposed brick with a brick corbel detail at eaves level. The roof would be finished in fibre cement slate effect tiles and the windows would be powder coated aluminium. Full details of materials can be sought by condition.
- 8.20 It is considered that the overall design, form and massing of the proposal would respond well to the varied height, form, material finish and topography of the area and would be an improvement over the existing harmful building, is therefore considered acceptable.
- 8.21 **Landscaping:**
The majority of the site would consist of the built form itself with small gardens with some planting provided to the rear of the terraced properties which would be an improvement compared to the lack of existing biodiversity. The landscaping is therefore considered acceptable.
- 8.22 **Impact on Amenity:**
The level of separation between the application site and the properties to the north of Bampfield Street in addition to three storey properties to the east and Elm Court to the south-west is considered sufficient in order to avoid any detrimental impact on terms of loss of outlook, loss of light or overlooking.
- 8.23 The main area of concern relates to the properties to the west, 19-25 (odd) Bampfield Street and 104 to 112 (even) Abinger Road, and the properties to the

south 6-20 (even) Elm Road. The application site adjoins several rear gardens adjacent in addition to a side and rear access alleyway.

- 8.24 The ridge height of the terraced properties would measure approximately 1m taller than the tallest part of the existing building and as a result would be visible when viewed from the rear elevation and rear gardens of the neighbouring properties. Whilst the height and bulk of the building would be increased on the boundary, the properties would be setback from the western boundary in comparison to the existing building. This is considered sufficient in order to reduce any overbearing impact or loss of light to the majority of impact to the adjacent properties.
- 8.25 Whilst the block of flats would be set closer to the boundary, it would be set level with 19 Bampfild Street which would restrict impact on the adjacent property. It is noted that the structure would result in a loss of light and outlook to the first floor eastern side elevation window of no. 19 however it has been confirmed that this window serves a stairwell. The resultant impact therefore is not considered significant.
- 8.26 The southernmost terraced property would be set on the southern boundary of the site and therefore would be visible from the rear windows and gardens of nos. 6-12 (even) Elm Road. Whilst the proposed structure would increase the height and bulk on the boundary there is an existing level of impact from the current structure and mixture of roof forms with fenestration which directly overlooks neighbouring gardens. Furthermore the main private amenity areas directly adjacent to the properties on Elm Road would be retained and the outlook would be largely maintained. The resultant relationship is not dissimilar to other residential arrangements within the vicinity.
- 8.27 Turning towards overlooking and loss of privacy, the windows proposed at first floor level to the western rear elevation of the terraced properties would be high level which would restrict views towards neighbouring properties. The first floor windows to the southern elevation of each terraced property would look towards the adjacent outrigger, allowing only for oblique views towards neighbouring properties whilst the first floor window to the southern property would be obscure glazed. Furthermore the proposed 1.8m privacy screen to the south and west sides of the balcony would restrict overlooking.
- 8.28 On balance therefore, and in addition to the nature of the proposed residential use which is likely to result in less of an impact in comparison to the existing retail / light industrial use in terms of noise and general neighbouring amenity, the proposal is considered acceptable in terms of neighbouring amenity, in accordance with Policy QD27.
- 8.29 **Standard of Accommodation for Future Occupiers:**
The scheme results in the formation of six residential dwellings. The proposed layout and floor area of the new units has been designed in line with the Governments Technical Housing Standards - Nationally Described Space Standards Document. Following amendments including the revision of the second floor one bed flat to a studio apartment and the installation of additional

glazing, the proposed development would provide appropriate sized units with adequate light and outlook to all habitable rooms.

- 8.30 Policy HO5 requires the provision of private outdoor amenity space for residential development. The scheme includes a small patio area with bicycle storage and refuse at ground floor level to the rear for each terraced dwelling. Furthermore the ground floor flat would include a small outdoor area with bicycle storage and refuse. The first and second floor flats would each include a balcony area.
- 8.31 The outside areas to the terraced properties would be restricted in size; however, due to the restrictions of the site and the urban context, there is limited scope for the formation of any larger areas and the rear garden would be comparable to other units within the vicinity. Furthermore the proposed areas would allow an outside area, with bicycle storage and refuse for each of the houses which although limited would be usable. On balance therefore, and in conjunction with the standard provided within the properties, the scheme is considered appropriate in relation to policy HO5.
- 8.32 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. As it appears that a level access is feasible, it will be secured by condition that the proposed development would meet the relevant optional building control standard to comply with current national standards.
- 8.33 **Affordable Housing:**
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) the 6 new the representative provision of affordable housing would be a 1bedroom flat which in Zone 3 equates to a total contribution of £87,500.
- 8.34 The general approach to the calculation is set out in the Council's Developer Contributions Technical Guidance. The commuted sum payment is based on a sum equal to the difference between Open Market Value and Affordable Housing Value.
- 8.35 The applicant has agreed to pay the required contribution which will be sought via a Section 106 Agreement.
- 8.36 **Sustainable Transport:**
Pedestrian access would be directly from Bampfield Street and Buckler Street which is acceptable. It is noted however that facilities for pedestrians within the vicinity of the site would benefit from improvement with a number of junctions

not having dropped kerbs and tactile paving. It is recommended that the applicant be required to contribute to such improvements, further details of which are provided below.

- 8.37 No car parking is proposed. Whilst the Highway Authority would not be opposed in principle, it would have been beneficial if the applicant had submitted a parking survey in order to fully assess the impacts of the development on surrounding streets.
- 8.38 Average car ownership for South Portslade ward according to the 2011 Census is 1.02 per household, though this would typically be lower for flats. This would suggest that the proposed development could be expected to generate additional on-street parking demand by up to five vehicles, particularly as there are limited on-street parking controls within the vicinity of the site. Although there will be some demand associated with the existing retail use, this is likely to be during the day. In contrast, the proposed residential use will generate demand at a time when parking stress on surrounding streets is at its highest.
- 8.39 In order to mitigate this, it is recommended that the applicant be required to submit a scheme of Travel Plan measures, including a two month public transport voucher per household, in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.
- 8.40 It is noted that no disabled parking is proposed with SPD14 requiring one space per ten dwellings. However, the area of public highway on Buckler Street adjacent to the development could accommodate a disabled bay without a reduction in general provision were a future resident to request one. Given that the site is located outside of a Controlled Parking Zone and individual bays would not be marked, it is not considered appropriate to revise current restrictions and provide unrestricted general parking in this area.
- 8.41 SPD14 requires a minimum of one cycle space per dwelling plus one space per three for visitors. This would equate to seven spaces for the proposed development.
- 8.42 The plans indicate that cycle storage will be provided to the rear of each of the houses. This appears to be means of a secure cycle locker which would be accessed via the rear passageway. This would be acceptable in principle, though further details of the stores are requested by condition.
- 8.43 In addition, three spaces are shown within the ground floor common area of the flats although the design is unclear. It is therefore recommended that further details again be obtained by condition.
- 8.44 Whilst it is not considered that the total number of trips will increase substantially from the existing use, the timing of trips will vary. However, it is not considered that this could be deemed in itself to amount to a severe impact and no objections are raised.

- 8.45 The nature of trips will however change and it is considered that there is a need for the applicant to contribute to improvements to footways in the immediate vicinity of the site. This is to help provide for the needs of those of all abilities accessing the development on foot in accordance with policy CP9 of the Brighton & Hove City Plan Part One. A S106 contribution of £7,200 is therefore requested in accordance with the council's standard contributions formula
- 8.46 Given the location within a residential area with narrow streets, and scale of the development including demolition, it is recommended that a Construction Environment Management Plan be secured by condition.
- 8.47 **Sustainability:**
Policy CP8 of the 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 shall be secured by condition.
- 8.48 **Conclusion:**
The proposal of 6 new dwellings within a residential setting would make a meaningful contribution to housing supply in the city whilst and would enhance the character and appearance of the streetscene whilst preserving the wider setting, in addition to providing an acceptable standard of accommodation for future residents. The development would not result in significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. On balance therefore, the overall benefits of the scheme are considered to outweigh the loss of employment space in this case.

9. EQUALITIES

- 9.1 None identified.

ITEM J

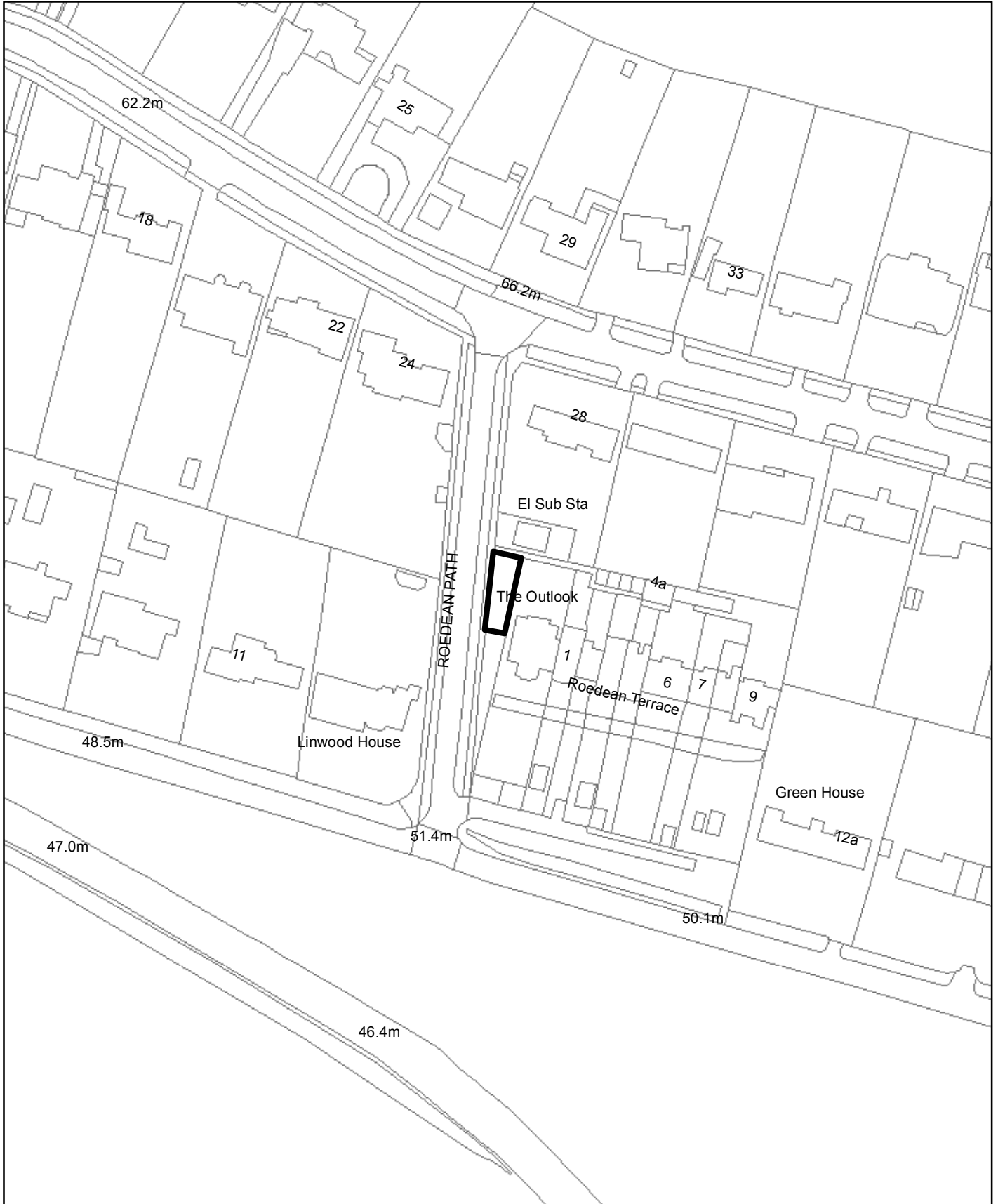
Land At Roedean Path, Brighton

BH2016/00320

Full Planning

DATE OF COMMITTEE

BH2016/06251 Land at Roedean Path, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/06251	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land At Roedean Path Brighton		
<u>Proposal:</u>	Erection of a 2 storey plus basement dwelling (C3) with associated garden and parking.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	25.11.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.01.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Mike Ford, Blakers House, 79 Stanford Avenue, Brighton, BN1 6FA		
<u>Applicant:</u>	Mr & Mrs Rowlin, C/o Morgan Carn Partnership, Blakers House 79 Stanford Avenue, Brighton, BN1 6FA		

Councillor Mears has requested the application be determined by Planning Committee

1. RECOMMENDATION

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

- 1 The proposal to create a residential building plot and erect a dwelling would fail to emphasise and or enhance the positive qualities of the local neighbourhood and would result in an overly cramped and incongruous form of development, contrary to the siting, scale, design, plot size and coverage of the prevailing built form within the immediate vicinity and detracting from the appearance and character of the site and the wider surrounding area. The development would therefore be contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One.

Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	1444-P-101		25 November 2017
Site Layout Plan	1444-P-106		25 November 2017

Floor Plans Proposed	1444-P-107		25	November
			2017	
Streetscene elevation proposed	1444-P-108		25	November
			2017	
Elevations Proposed	1444-P-109		25	November
			2017	
Streetscene elevation proposed	1444-P-110		25	November
			2017	
Elevations Proposed	1444-P-111		25	November
			2017	
Elevations Proposed	1444-P-112		25	November
			2017	
Elevations Proposed	1444-P-113		25	November
			2017	
Sections Proposed	1444-P-114		25	November
			2017	
Sections Proposed	1444-P-115		25	November
			2017	

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site relates to a strip of land that fronts Roedean Path to the west and abuts the boundary of No. 2 Roedean Path to the east and the south. To the north of the site there is a twitten that runs along the rear of the properties on Roedean Terrace and a brick built substation. The site slopes down steeply from north to south and also narrows in width with the fall of the land. A white rendered wall separates the site from No.2 Roedean Path whilst a low timber staked fence demarks the site to the west and north boundaries.
- 2.2 Planning permission is sought for the erection of a two storey plus basement dwelling (C3) with associated garden and parking.

3. RELEVANT HISTORY

BH2016/01981 - Erection of a two bedroom detached house (C3) over four levels with associated private garden and on-site parking space. Refused on 21 September 2016 on the following grounds;

- The proposal to create a residential building plot and erect a dwelling would fail to emphasise and or enhance the positive qualities of the local neighbourhood and would result in an overly cramped and incongruous form of development, contrary to the siting, scale, plot size / coverage of the prevailing built form within the immediate vicinity and detracting with the appearance and character of the site and the wider surrounding area. The development would therefore be contrary to policy CP12 and CP14 of the Brighton & Hove City Plan Part One.
- The proposed dwelling, by virtue of its scale, bulk, height and its raised siting, adjacent to the boundary and in close proximity to the adjoining property, 'The Outlook' No.2 Roedean Path would result in an overbearing

and overly dominant and enclosing impact to this property and its respective garden, contrary to QD27 of the Brighton & Hove Local Plan.

Pre-Application Advice - Proposals for new two bedroom house at Roedean Path, Brighton (land adjoining No.2 Roedean Path, 'The Outlook'), with associated works and 1 No. parking space on-site assessed via an existing vehicle cross-over.

The above relates to a formal pre application enquiry in 2014 for a new dwelling on the existing application site. The proposal was similar in site coverage to **BH2016/01981** and the current application. The Local Planning Authority outlined in an email response on 12 September 2014 that, 'it was highly unlikely that an application for a new dwelling on this site would receive planning permission' due to the limited size of the plot.

4. REPRESENTATIONS

4.1 **Nine (9)** letters of representation have been received objecting to the proposed development for the following reasons:

- The proposed house would be out of character with the surrounding area
- The proposal would appear incongruous on the restricted size of the site
- Overlooking / loss of privacy to neighbouring properties and also for future occupiers of the dwelling
- The proposal would set an inappropriate precedent for squeezing new dwellings into driveways and gardens
- The bedrooms would have poor natural lighting
- The proposal is sited too close to the neighbouring property and the substation
- Concern over noise and disruption during construction
- Overshadowing to adjoining property
- The boundary wall / screening to the east of the site is with the ownership of the neighbouring property and as such it cannot be relied upon that existing or future screening will be retained
- The reasons for refusal are clearly set out in the Officer's Report of the previous application **BH2016/01981**
- Plot is far too small and would appear incongruous and ruin the surrounding neighbourhood
- The proposal is completely out of character with the area jarring with the Victorian Roedean Terrace
- Other properties in Roedean are characterised by being in large spacious plots. There is insufficient space for the proposal creating a cramped feeling on the roadway and around the terrace
- The house is too close to the pavement and the rear twitten
- This plot is ridiculously small to build a residential premises and would be overly cramped which would harm the local appearance & character of the surrounding area
- Concerns over disruption to utilities / services during the build

- It is very similar to the original planning application which has already been refused
- The Officer's Report on the last application states that the site is unsuitable for a residential dwelling
- The coastguard cottage was relevant at the time, 120 years ago and not now
- The proposal is out of character with the existing houses in the area, the land is too small to accommodate this type of development and it would impact on neighbouring homes
- The site is inadequate for a dwelling
- The use of the parking area would result in noise and disturbance and a loss of privacy to the adjoining property

4.2 **Four (4)** letters of representation have been received supporting the proposed development for the following reasons:

- Would improve the appearance of the locality by helping disguise the ugly substation
- Would be better than the alternatives of a garage or workshop
- The vacant land is an eyesore with cheap picket fencing
- The design is in keeping with many other properties in the area and will provide an interesting feature to an otherwise unsightly piece of land
- It shows how a very practical dwelling can be achieved on such a small footprint. Something perhaps we should be encouraging due to the shortage of good housing
- A very sympathetic proposal
- No reason why the little house would cause upset or inconvenience to anyone
- The building design complements the increasingly contemporary architecture in the area
- An innovative use has been found for a site that could otherwise have become an eyesore and detrimental to the neighbourhood if left as unimproved land

4.3 **Three (3)** general comments have been received stating;

- Our open view to the south is important. We would support the application subject to an open view south being retained. We quite like the idea of somebody making use of this odd piece of obscure land by creating a sub-basement area and one story above this. Any additional height should be sited behind the EDF substation
- Query involvement of Ward Councillor
- The proposed build will block and disrupt access and egress to the twitten path of Roedean Terrace houses 1,2,3,4 and 4a. The path is the only access/egress to 4a so needs to be kept clear at all times especially for fire and emergencies
- Object to the water and sewerage for the Roedean Terrace houses possibly being cut off/disrupted as it runs through the rear of the terrace properties/gardens. If the property has sub ground levels this could cause

great concern for the time amenities would be out of action especially as there are elderly/vulnerable residents

- Concern regarding health and safety issues if the access path become unstable due to the basement development

4.4 **Councillor Mary Mears:** Supports the proposal. Comments attached.

5. CONSULTATIONS

5.1 **County Archaeologist: Comment:**

It is noted the application has not been submitted with a heritage statement nor has the Historic Environment Record (HER) been consulted in accordance with Policy 128 of the National Planning Policy Framework.

5.2 The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric and Romano-British burial and ritual activity. A crouched burial of probably Late Neolithic or Early Bronze Age date is recorded approximately 20m to the north-east of the site. A watching brief on post holes for a fence to the south in 2010 did not record any ancient artefacts from the arisings. However, the proposed works have the potential to expose below-ground features of archaeological interest, including human remains.

5.3 The Outlook is an early 20th century building and part of a row of Coastguard cottages, so below ground remains relating to this history of the site may also exist in the development area.

5.4 The area affected by the proposed ground works should be the subject of a programme of archaeological work. This would take the form of a targeted watching brief during ground works to enable any features with archaeological interest to be identified and recorded and either preserved in situ or where this is demonstrably not possible adequately recorded in advance of their loss.

5.5 **Brighton and Hove Archaeological Society: Comment:**

The above application lies within an area of intense archaeological sensitivity. Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. In October 2003 the Brighton and Hove Archaeological Society excavated an Early Bronze Age burial, close by, on the East Brighton golf course.

5.6 Other recent discoveries include Roman coins and pottery found in the gardens of a house in Roedean Crescent, and a large underground chamber, hitherto unknown, possibly associated with Royal Navy activities during the Second World War. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

5.7 **Sustainable Transport: No Objection:**

Pedestrian & Mobility & Visually Impaired Access

The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

- 5.8 Although the applicant has referred to walking in the supporting evidence, they have not referred to mobility and visually impaired access. 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 Roedean Path with Roedean Crescent. 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 neighbouring dwellings, post box, bus services and Roedean School.
- 5.9 **Cycle Parking**
SPD14 states that a minimum of 1 cycle parking space is required for every two bed dwelling. The application offers space for two cycles. Further details on policy compliant provision should be sought by condition.
- 5.10 **Disabled Parking**
The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.
- 5.11 **Servicing & Deliveries (including goods & people pick up / drop off)**
The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.12 The applicant is not proposing any changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. Notwithstanding the above amendments should be sought to lower the boundary wall at least to the south of the car park if not to the north as well to improve visibility and even so the vehicle will still probably need to be reversed in to reduce the risk of an accident.
- 5.13 **Car Parking**
SPD14 states that the maximum car parking standard for a 2 bedroom dwelling within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for each 2 bedroom property within the Outer Area. For this development of 1 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.
- 5.14 **Trip Generation - Vehicles and Highway Impact**
There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals. As set out previously there will be an increase in

pedestrian trip movements and pedestrian crossing improvements should be sought via a planning condition.

5.15 Environment Health: No Objection:

(Comments from previous application - **BH2016/01981**). A full contaminated land condition is required as the substation appears on maps as far back as 1952-1962. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

5.16 With regards to noise, given the current layout of the house with all habitable rooms (bedrooms) to the south, and stairways and bathrooms placed next to the substation, a noise report will would not be required.

5.17 Should the layout change, this the decision not to require a noise report could change.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

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
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings

CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban Design
CP14 Housing density
CP15 Heritage

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
QD5 Design - street frontages
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
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications, accessibility and sustainability.
- 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 24th 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 **Design and Appearance:**
The application follows a previous scheme for a new dwelling that was refused on the grounds that the proposal was an overdevelopment of this small site and would detract from the appearance and character of the area. The LPA considered that the site was unsuitable for a new residential dwelling. In addition there would be a harmful amenity impact on the adjoining property.
- 8.4 The design of the current scheme has been revised with the protruding top floor removed and replaced with a glazed circular lantern element. The flat roof of the

previous scheme is replaced with a part pitched, part flat roof, removing some of the height and bulk adjacent to the boundary with No.2 Roedean Path. The upper ground floor would be set in from the pavement by 0.55m.

- 8.5 The dwelling would be sited to the northernmost part of the site, abutting the west, north and east boundaries with the garden and the off-street car parking space to the south. The dwelling would be set out over three levels. The basement level and most of the lower ground floor level would be set below ground. The upper ground floor level would be partially raised due to the gradient of the land. The dwelling would be finished in white render with white framed aluminium windows and timber doors / privacy screens. The part pitched, part flat roofs would be a mix of zinc and green roofs.
- 8.6 The contemporary design is well detailed and despite the somewhat awkward form and finishing materials of the roof it does in isolation have some architectural merit. Notwithstanding the above and the reduction in height and bulk in comparison to the previously refused scheme, the proposal fails to respect the local appearance and character of the area in relation to siting, form, plot size and coverage and in this context would result in an incongruous and overly cramped development that would significantly harm the visual amenity of the site and the surrounding area.
- 8.7 The built form in the locality is predominantly characterised by large detached dwellings in substantial plots, or in the case of Roedean Terrace, a collection of two storey Victorian properties set in narrower plots with gardens to the front and rear. The uniformity of these consistent plots sizes and layouts creates a strong sense of place and it is these local characteristics that would be harmed by the addition of a dwelling on a site of this size, shape and location.
- 8.8 The siting of the proposal sits uncomfortably with the existing terrace, aligning with the rear gardens of the terrace and at a much higher ground level. The size of the plot and the site coverage in comparison to the existing built form within the terrace is also completely out of character and harms the visual amenity of the locality.
- 8.9 When compared to the predominant built form of the area, which is formed of detached houses on substantial plots the plot size appears even more alien and at odds with the housing density and spacing within the area, contrary to policy CP14.
- 8.10 The proposal is close to the pavement fronting Roedean Path and thus breaks the established building line of the original dwellings. Roedean Path has an open character flanked by garden boundaries with the built development set back inside the site boundaries and the proposed development would erode this spacious, open character.
- 8.11 The existing properties in the locality present themselves onto Roedean Way or Roedean Crescent and as such the application proposal which fronts Roedean Path has an awkward and incongruous relationship with the streetscene. It is set significantly in front of the adjacent substation to the north which is set well back

from the road and the relationship with this building accentuates this harmful impact.

- 8.12 It is noted that to gain sufficient internal floor space for a two storey dwelling that the proposal is set over three levels, with much of the building set below ground level. This further serves to demonstrate the overdevelopment of the plot in this context which is not of sufficient size to house a traditionally designed dwelling and garden.
- 8.13 To conclude, it is considered that the site is not appropriate for a residential dwelling. The proposal would fail to respect or enhance the local context and the positive qualities of the local neighbourhood and would result in an overly cramped form of development, contrary to the prevailing plot sizes and layouts within the immediate vicinity, detracting from the appearance and character of the site and the wider surrounding area.
- 8.14 **Impact on Amenity:**
Policy QD27 relates to protection of amenity and 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.
- 8.15 The gradient of the land is such that the upper ground floor of the proposal would be at a similar level to the first floor of the terraced properties on Roedean Terrace.
- 8.16 The main impact would be to the adjoining property to the south east, No.2 Roedean Path which is split horizontally into two self-contained flats.
- 8.17 The previously refused application was considered to have an unacceptable overbearing and enclosing impact on this building.
- 8.18 The current proposal has been redesigned with a pitched, rather than a flat roof abutting the boundary and the removal of the top floor. It is considered that the reduction of height and bulk adjacent to the boundary is sufficient to ensure that the proposal would not result in a significantly dominant, overbearing or enclosing impact on No.2.
- 8.19 The orientation of the proposal to the north, in conjunction with the separation distance from the proposal and No. 2 would ensure that there would be no significant overshadowing or loss of light to this property.
- 8.20 Whilst the overall plot coverage remains comparable to the previously refused scheme and the siting of the unit to the rear sits uncomfortably within the existing built form any unneighbourly impact to No.2 and its respective garden would not be so significant as to warrant refusal.
- 8.21 Whilst there would be a degree of overlooking towards No. 2 Roedean Path, the closest window to the rear at first floor level and the west facing side window at this property do not serve habitable rooms. Views to the other windows to the

rear at ground and first floor level, serving a bedroom and the two respective kitchens would be of an angled nature and would be screened to some degree by the existing boundary treatments and any loss of privacy to No.2 would not be so significant as to warrant refusal. Views to the rear garden of No.2 would be angled and screened to a degree and are not considered to result in an unacceptable loss of privacy to the occupiers of this property.

- 8.22 The proposed terraced area, accessed off the main living area is limited in size and screened and this also would not result in any significant overlooking towards No.2
- 8.23 Any increased noise and disturbance to neighbouring properties is not likely to result in any significant harm to amenity.
- 8.24 The properties to the east on Roedean Terrace and their respective gardens are sited over 10m away from the proposal and there is not considered to be any significant harm to these dwellings by way of overshadowing, loss of light, outlook or privacy. Similarly, the properties to the west and north are sited a sufficient distance from the proposal to ensure that the residential amenity that they currently enjoy would not be compromised.
- 8.25 **Standard of accommodation:**
The internal layout and floor area is considered to be adequate for a two bedroom unit and there would be acceptable circulation space.
- 8.26 The two bedrooms are at lower ground floor level are enclosed by high walls either side and only have a single aspect. Notwithstanding this, they are orientated to the south and levels of natural light and outlook are considered to be acceptable and overall the proposal provides an adequate standard of accommodation for future occupiers.
- 8.27 It is considered that the external garden area would provide adequate amenity space for future occupiers and the proposal is considered to be acceptable in this regard.
- 8.28 Whilst it is noted that there would be some mutual overlooking between the proposal and its respective garden and the rear elevation of No.2, the sunken nature of the garden and existing and proposed screening is considered to be sufficient to prevent any significant loss of privacy for future occupiers.
- 8.29 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.
- 8.30 The proposed design has significant limitations in regards to accessibility with an internal step down in the hallway at upper ground floor level and stepped access from the car space to the rear garden. As such it is unlikely that the Building Regulations Optional Requirement M4 (2) (accessible and adaptable

dwellings) could be met without significant revisions. Notwithstanding the above, whilst this is regrettable, it is noted that the nature of the development and the specific site constraints of this sloping site are such that the lack of accessibility is not so significant as to warrant refusal.

8.31 Sustainable Transport:

Policy CP9 of the City Plan requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.32 Whilst the proposal would result in an uplift of trips it is not considered to result in any significant concerns in relation to additional parking stress.

8.33 If the proposal were otherwise acceptable conditions could be attached to provide for pedestrian crossing improvements adjacent to the development site, for details relating to secure cycle storage and for revised boundary treatments to provide adequate visibility for vehicles accessing the parking area.

8.34 Sustainability:

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. If the application were otherwise acceptable then conditions would be attached to ensure the development meets these standards as set out in policy CP8.

8.35 Environmental Health:

It is noted that there is a substation to the north of the site and there is the potential for localised land contamination. If the site were otherwise acceptable a condition requiring a full land contamination study would be required.

8.36 Habitable rooms are orientated to the south and it is not considered that the substation would result in any significant harm to residential amenity by way of noise and disturbance and the application is acceptable in this regard.

8.37 Archaeology:

The site is located within an area of intense archaeological sensitivity. If the application were otherwise acceptable a condition would be attached requiring a full programme of archaeological works, in the form of a targeted watching brief during ground works to enable any features with archaeological interest to be identified and recorded and either preserved in situ or where this is demonstrably not possible adequately recorded in advance of their loss. in accordance with policy HE12.

8.38 Other Considerations:

Representations made relating to the supply / disruption of utilities are not material planning considerations.

9. EQUALITIES

9.1 There are concerns regards access for those with mobility issues and this is outlined in the amenity section of the report.

Re Planning Application BH2016/06251 Roedean Path Brighton.

As a ward Councillor for Rottingdean Coastal, I am supporting this planning application for the following reasons:

Until 2001 the land was owned by Brighton & Hove City Council, and was then purchased by the applicant. A variation was made on the 14th December 2015 to the original deed of November 2001 to enable the current planning application to be submitted.

In my opinion this proposed scheme is well designed and considerate to neighbouring properties..

With its discreet and sensitive design, the proposed scheme is sympathetic to the surrounding properties and will significantly enhance the surrounding street scene.

Roedean Path has a very different character to the primary east-west roads and is bound on both sides by long rendered walls,.

This application with its proposed new rendered walls works well with the surrounding character of Roedean Path.

This application in my view with its detailed environmental and sustainable features, sets out a sustainable low energy scheme

Should this application be refused under delegated powers, I wish this planning application to go to the planning committee and reserve my right to speak.

Kind regards.

Mary Hear

ITEM K

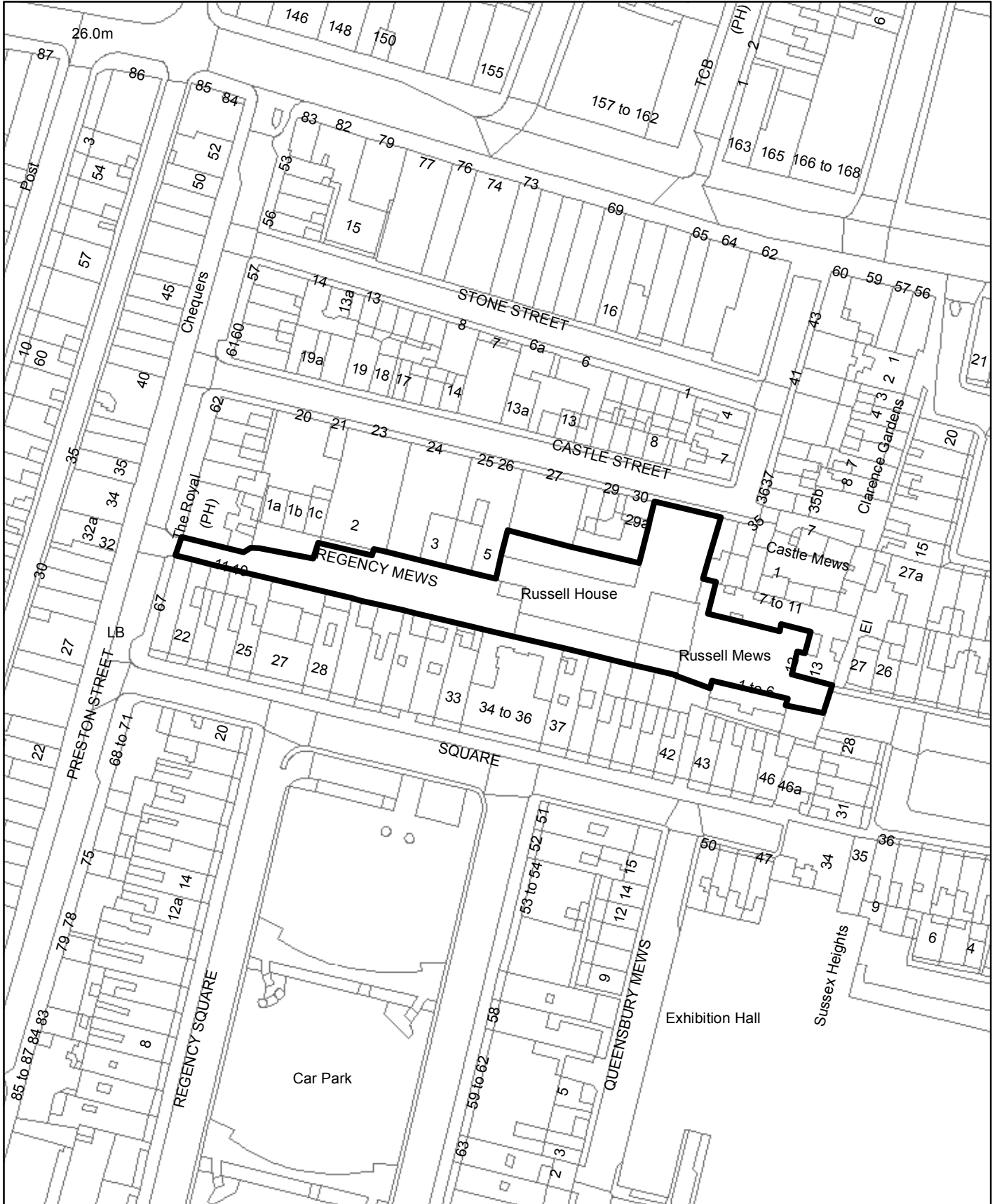
Russell House, Russell Mews, Brighton

BH2016/05662

Full Planning

DATE OF COMMITTEE

BH2016-05662 Russell House, Russell Mews, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05662	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Russell House Russell Mews Brighton BN1 2HZ		
<u>Proposal:</u>	External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	18.11.2016
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	13.01.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Tetlow King Planning, Mr Stephen Hinsley, 32 High Street, West Malling, ME19 6QR		
<u>Applicant:</u>	Edgewater Brighton Ltd, C/o Agent, 32 High Street, West Malling ME19 6QR		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	H4488.0.PL000		12 October 2016
Elevations Proposed	H4488.0.PL008	A	1 February 2017
Elevations Proposed	H4488.0.PL009	A	1 February 2017
Roof Plan Proposed	H4488.0.PL007		12 October 2016
Floor Plans Proposed	H4488.0.PL001		12 October 2016
Floor Plans Proposed	232_01	C	12 October 2016
Floor Plans Proposed	232_02	D	1 February 2017
Floor Plans Proposed	232_03	E	1 February 2017
Floor Plans Proposed	232_04	G	1 February 2017
Floor Plans Proposed	232_05	F	1 February 2017

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

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

- 3 The windows in the east 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.

- 4 Access to the flat roofs on the north and south elevation close to the proposed windows and doors hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 The glass privacy screen hereby approved to the existing south elevation balcony shall consist of obscured glass and shall be fully installed in accordance with the approved drawing before the balcony is first brought into use. The screen shall be permanently retained as such thereafter.

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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a part four and part five storey building with some attic rooms situated via gated accesses between Regency Mews and Russell Square. The site is in the Regency Square Conservation Area and the northern part of the building adjoins 33 and 34 Castle Street, which are Grade II Listed.

- 2.2 Regency Mews is used for vehicular access and parking and runs alongside the rear of buildings in Regency Square. Russell Mews is a gated residential development.

- 2.3 Russell House itself has previously been occupied as office space (Class Use B1) and is currently vacant.

Planning permission is sought for external alterations and additions to fenestration, including access doors to existing balconies, following prior approval application **BH2016/05439** for change of use from offices (B1) to 52no flats (C3).

3. RELEVANT HISTORY

BH2016/06580 Application for Approval of Details Reserved by Conditions 1(i) & 6 of application **BH2016/05439** - Under Consideration

BH2016/05439 Prior approval for the change of use from offices (B1) to 52no flats (C3) with associated car parking, cycle parking and bin storage - Approved 18/11/2016

BH2016/02454 Application for Approval of Details Reserved by Condition (s) 1 of Application BH2016/00109 - Split decision 25/08/2016

BH2016/00109 Prior approval for the change of use from offices (B1) to 54no flats (C3) with associated car parking, cycle parking and bin storage - Prior Approval Required and Approved 07/03/2016

BH2006/02603 Removal of condition 6 of approval 89/2299/FP to allow car parking area at ground floor level to be used as office floor space. External alterations - Approved 09/07/2007

89/2299/F Erection of a 6 storey office block on Regency Mews site, 4 storey office block fronting Castle Street and associated parking. Erection of eight 3 storey townhouses and 4 maisonettes fronting Russell Square. (Amendments to consents **BN85/347/F** and **BN86/669/F** for office and residential development) - Granted 30/01/90

4. REPRESENTATIONS

4.1 **Twenty (20)** letters have been received objecting to the proposed development for the following reasons:

- Overlooking and loss of privacy from windows, spiral staircase, balconies, and roof terraces
- Increase level of noise nuisance
- Safety concerns of using Russell Mews as a traffic exit
- Not clear if existing obscure glazed south elevation windows will still be conditioned as such
- Should not be used for short term lets
- Concerns over level of access required during construction.

4.2 **One (1)** letter of comment was received, commenting as follows:

- Serious risk of increased noise
- Clear covenants against noise and against short-term sub-letting should be required.

5. CONSULTATIONS

5.1 None

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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 WLP7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable transport
CP12 Urban design
CP15 Heritage

Brighton and 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
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact on visual amenity of the building, the street scene, and the wider conservation area, and the impact on neighbour amenity.

8.2 **Design and Appearance:**

Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited designed and detailed in relation to the host property. 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

- 8.3 The existing building has been in use as an office premises since 1990, although in recent years it has remained vacant. This application follows a Prior Approval application (**BH2016/05439**) to convert the building into 52 no. flats.
- 8.4 During the application, amended plans were received, which removed new terraces, spiral staircases, and dormers from the proposal.
- 8.5 At roof level, existing steel louvre doors and vents would be replaced with windows to provide light and ventilation into the roof level accommodation. Also proposed is an additional rooflight on the south elevation.
- 8.6 On the south elevation, an opaque glass screen is proposed for the existing fourth floor balcony. Existing windows would be replaced with new doors to enable further access onto the balcony. In some cases, existing glazing will be replaced with obscure glazing.
- 8.7 On the north elevation (which faces the rear of properties on Castle Street), new windows are proposed on all elevations alongside existing. On the north elevation which forms part of Castle Street, the existing ground floor doors would be replaced with new timber glazed doors. At roof level, new double doors would include Juliet balconies.
- 8.8 On the west elevation, existing windows on all upper floors would be replaced with wider windows, and new windows are proposed on the third and fourth floors. On the east elevation, new windows are proposed on the second, third and fourth floors on the existing brick wall which currently has no windows.
- 8.9 Overall the proposed alterations would relate appropriately to the existing fenestration and features on the existing building, which is of a non-traditional appearance and has limited architectural merit. Most alterations would not be visible from public view. The more prominent roof alterations, following the removal of roof terraces and dormers, are now considered appropriate alterations.
- 8.10 It is therefore considered that the development would not detract from the character and appearance of the building or the Regency Square Conservation Area. For the reasons outlined the proposal would comply with Local Plan policies QD14 and HE6.
- 8.11 **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.

- 8.12 The south elevation faces towards the rear gardens and windows of flats on Regency Square. The existing south elevation windows currently overlook these neighbouring properties, albeit many of the windows are currently obscure glazed. Conditions restricting the use of clear glass and the use of the existing balcony were attached to the original planning application of the building and the office use **(89/2299/F)**
- 8.13 The proposed fourth elevation doors would enable further access onto the existing balcony. This would enable a more intensified use of this balcony, however as this is an existing balcony and existing doors already enable access, it is considered that new access doors themselves would not result in significantly increased noise and disturbance levels. The proposed 1.5m high screen would be of a sufficient height to restrict the majority of overlooking when this existing balcony is in use.
- 8.14 The proposed north elevation windows would face towards the boundary wall that forms the rear of the properties on Castle Street. It is considered that no additional overlooking and loss of privacy would occur here. The proposed north elevation roof doors and Juliet balconies would be on a roof slope that is set back within the site and would not result in significant amenity issues for neighbours.
- 8.15 The proposed new and replacement windows would provide views across the neighbouring properties on Castle Street. However the views would prominently be of their roofslopes, and they would provide similar views to that of the existing north elevation windows.
- 8.16 The proposed east elevation windows would be in a position where no existing windows exist. They would face directly towards the rear gardens and windows of nos. 33 and 34 Castle Street. However the windows are proposed to be obscure glazed and fixed shut apart from fanlights which would be 1.7m above internal floor level. Subject to a condition to ensure this is the case prior to occupation, it is considered that the proposed windows would not result in significant overlooking or loss of privacy to neighbouring properties.
- 8.17 **Other Considerations:**
Objections have been raised relating to transport concerns, the proposed residential use, and noise and disturbance relating to the use. However these issues cannot be considered in this application. Prior Approval for a change of use to residential has been granted under **BH2016/05439**.
- 8.18 Objections have been raised in relation to construction noise and access requirements during construction. However these issues are not material planning considerations.

9. EQUALITIES

- 9.1 None identified

ITEM L

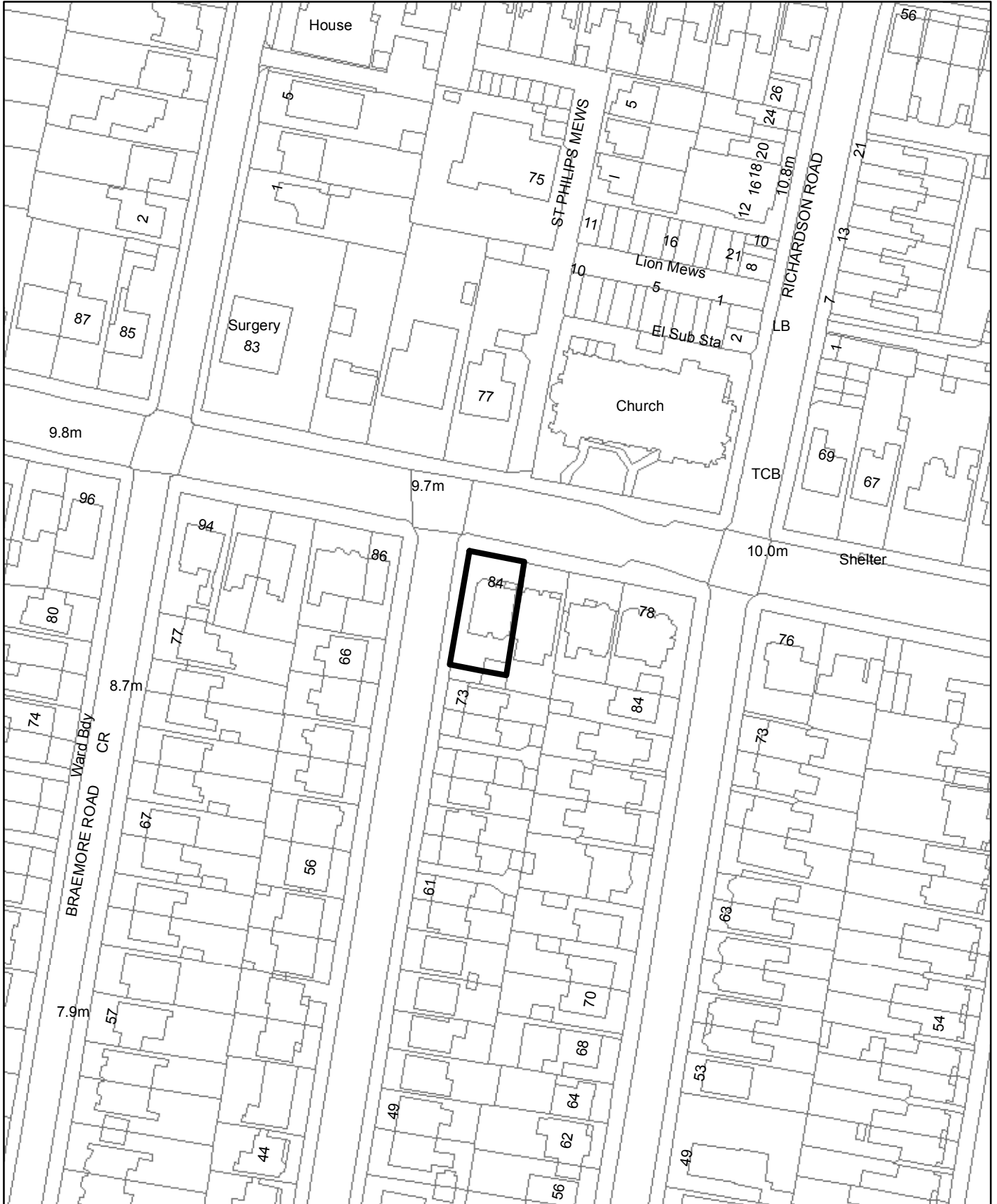
First Floor Flat, 84 New Church Road, Hove

BH2016/02957

Full Planning

DATE OF COMMITTEE

BH2016/02957 First Floor Flat, 84 New Church Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2016/02957	Ward:	Westbourne Ward
App Type:	Full Planning		
Address:	FIRST FLOOR FLAT, 84 New Church Road, Hove		
Proposal:	Conversion of semi-detached residential rear garage into study with toilet/shower room and replacement of garage door with glazed doors. (Retrospective).		
Officer:	Ryan O'Sullivan, 290480	tel:	Valid Date: 18.08.2016
Con Area:	N/A	Expiry Date:	13.10.2016
Listed Building Grade:	N/A	EOT:	
Agent:	Barlow & Associates Ltd. 7 Vernon Street Derby DE1 1FR		
Applicant:	Mr Eldad Aizenberg, 1st Floor Flat, 84 New Church Road, Hove, BN3 4FN		

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17 August 2016
Existing Floor Plans and Elevations	HOVE1	-	9 August 2016
Floor plans and elevations proposed	HOVE2	-	9 August 2016
Block Plan	HOVE3	-	9 August 2016
Design and Access Statement	-	-	9 August 2016

- 2 The study with shower/toilet room shall only be used for purposes incidental to the main residence of First Floor Flat 84 New Church Road.
Reason: In order to protect the amenities of neighbouring properties and in accordance with policies 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. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application site is located at the southern side of New Church Road, at the junction with the top of Langdale Gardens. The site is not within a conservation area, and there is not an Article 4 Direction in place.

2.2 Planning consent is sought retrospectively for the conversion of a semi-detached residential garage (accessible only from Langdale Gardens) into a study, featuring a toilet and shower room. A single roof dome atop upstand has been installed centrally to the felt flat roof, and the garage door has been supplanted by four full-height glazed timber-framed doors, painted white.

3. RELEVANT HISTORY

3.1 None identified.

4. REPRESENTATIONS

Seven (7) letters of representation have been received objecting to the development for the following reasons:

- Belief that the converted garage will be rented out as self-contained living accommodation, a holiday let, or office
- Increased noise and disturbance as a result of increased traffic requiring parking spaces on the road
- Out of keeping with the style and character of other properties in the area

5. CONSULTATIONS

5.1 **Sustainable Transport:** No Objection

Whilst one of the garages has been removed, the area of hardstanding remains. As a result, the existing crossover is not redundant and it is considered that the likelihood of displaced or additional demand for on-street parking will be limited. It is also noted that the site is within a Controlled Parking Zone which will assist in managing any additional demand that does arise. In any case, it is not considered that this demand would be of a level that could be deemed to amount to a severe impact in this location and therefore warrant refusal on these grounds under the National Planning Policy Framework (NPPF).

6. MATERIAL CONSIDERATIONS

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

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP12 Urban design

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

TR7 Safe Development

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

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 external works upon the appearance and character of the site and wider area; whether the intended use should be considered as incidental in purpose in relation to the main residence; the impact upon the amenities of surrounding occupants; and transport considerations, with specific regard to impacts upon on-street parking capacity within the surrounding area.

8.2 **Design and Appearance:**

The single roof dome atop upstand is centrally located within the felt flat roof, with limited public views to it as a result of the parapets to the front of both semi-detached garage-buildings, which are themselves set back some 7.5m from Langdale Gardens.

- 8.3 Whilst the four doors installed visually distract in the sense that one would expect to see a normal garage door akin to that of the adjoining retained garage, their proportions and external details are considered to be in general keeping with the character of the area, and are not considered to cause significant harm to the appearance of the building.
- 8.4 In summary, the external works are not considered to cause significant harm to the appearance and character of the site and wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan.
- 8.5 **Proposed Use**
A number of letters of objection have been received asserting concerns that the converted garage could be used as standalone accommodation, either as a holiday let or for longer term tenancy, or that the building may be leased out as commercial office space. Many of the subsequent concerns with regards to increased noise and disturbance, and increased pressure upon on-street parking, are in part derived from these understandably cautious assumptions.
- 8.6 The applicant has stated that the converted space is intended to be used as a study room, with occasional business meetings (one a month), and occasional counselling/therapy sessions (2 times a week, no more than 50 minutes each, for 1 or 2 clients per session). The applicant's ongoing health concerns have prompted the installation of the shower/toilet, in the context of the necessary walk around to the main residence of the First Floor Flat 84 New Church Road.
- 8.7 Whilst the concerns of the surrounding occupants are recognised, it is considered reasonable to assess the proposed use at face value as described by the applicant, and it is considered that this represents an incidental use in relation to the main residence. Should the intended use alter into something non-incidental, then this would require a new application and full consideration.
- 8.8 **Impact on Amenity:**
The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy following a site visit and no significant harm has been identified.
- 8.9 It is considered that any additional and intermittent traffic generated by the proposed incidental use would be unlikely to result in a harmful increase in noise disturbance to surrounding occupants.
- 8.10 **Sustainable Transport:**
In concurrence with the comments of the Sustainable Transport team, it is considered that the proposed incidental use as described would be unlikely to generate significant additional demand for on-street parking within the immediate vicinity.
- 9. EQUALITIES**
- 9.1 None identified.

ITEM M

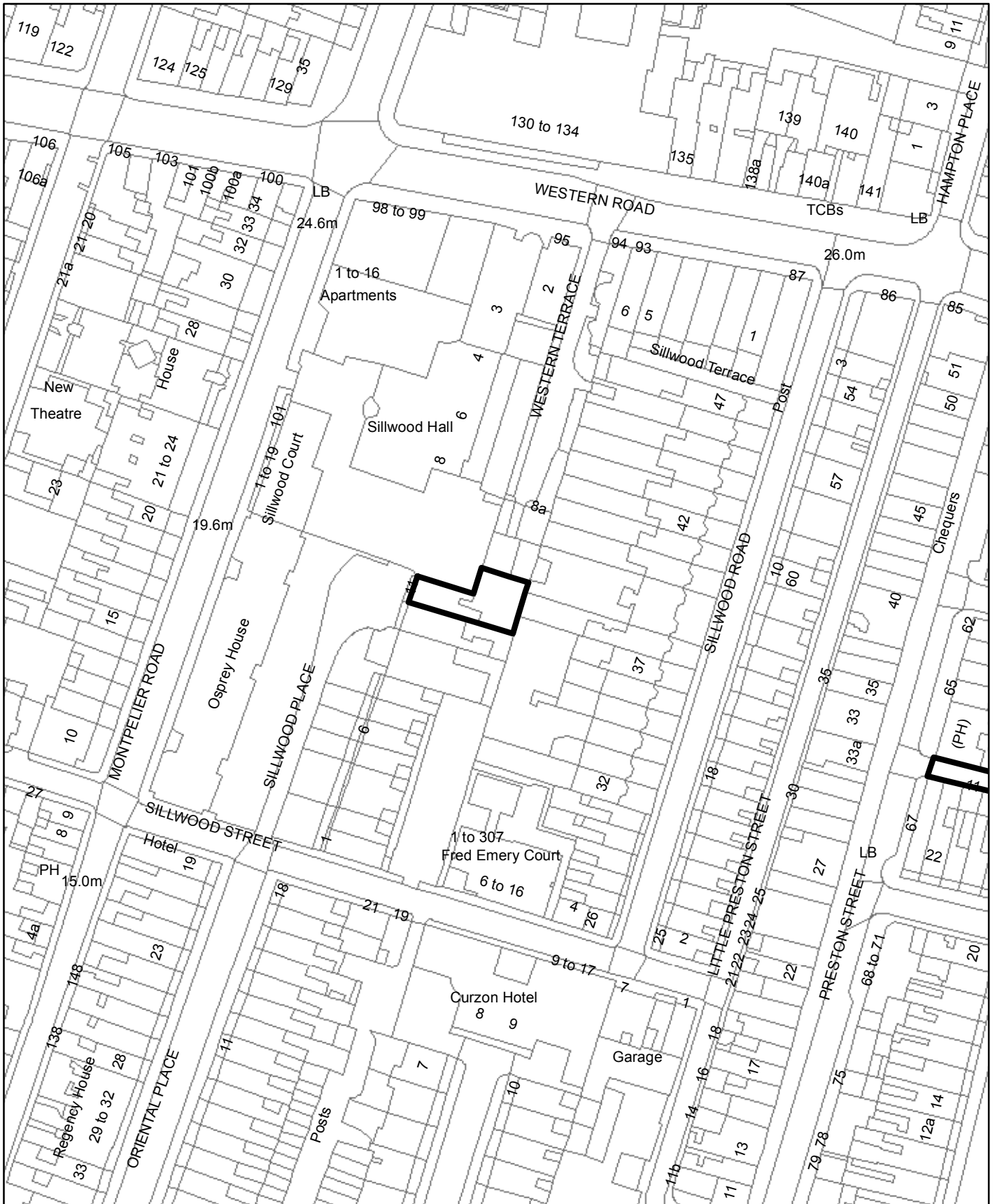
Flat 2, 11 Sillwood Place, Brighton

BH2016/05330

Full Planning

8th March 2017

BH2016/05330 Flat 2, 11 Sillwood Place, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05330	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 2 11 Sillwood Place Brighton		
<u>Proposal:</u>	Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat.		
<u>Officer:</u>	Ryan O'Sullivan, tel: 290480	<u>Valid Date:</u>	07.10.2016
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	02.12.2016
<u>Listed Building Grade:</u>	Grade II	<u>EOT:</u>	
<u>Agent:</u>	Mrs Chloe Lewis, 7 Queen Square, Brighton, BN1 3FD		
<u>Applicant:</u>	M Banner, Flat 2, 11 Sillwood Place, Brighton, BN1 2LH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	16-130-02	B	26 January 2017
Block Plan Proposed	16-130-03	-	16 September 2016
Existing Floor Plans and Elevations	16-130-01	B	26 January 2017
Design and Access Statement		-	16 September 2016

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

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

- 3 Before works commence a full method statement detailing how the existing flint boundary wall will be protected and retained during construction works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

Reason: As insufficient information has been submitted, 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 Brighton & Hove City Plan Part One.

- 4 No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the new windows and doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

2. RELEVANT HISTORY

BH2004/00270/FP - Construction of rear conservatory to ground floor flat. (Re-submission of Withdrawn application **BH2003/03481/FP**). Approved 17 March 2004

BH2004/00272/LB - Construction of rear conservatory and internal alterations to ground floor flat. (Re-submission of Withdrawn application **BH2003/03532/LB**). Approved 17 March 2004

3. REPRESENTATIONS

- 3.1 **Seven (7)** letters of representation have been received objecting to the proposed development for the following reasons:

- Works not in keeping with Grade II listed building and character of conservation area
- Extension would block daylight and sunlight to basement bedroom window and patio area (Basement Flat (Flat 1) 11 Sillwood Place), and cause overshadowing
- Loss of privacy
- Overlooking
- Increased noise disturbance
- Loss of visual amenity
- Construction phase disturbance

4. CONSULTATIONS

- 4.1 **Heritage:** No objection

The proposed internal alterations are comparatively minor and would not impact adversely on the surviving architectural and historic character of the interior.

Externally the existing early 20th century conservatory is of no significance and its replacement by a larger extension would still be appropriately subservient in scale and would cause no harm given the past degree of alterations to the rear elevations of numbers 10 and 11. A substantial garden area would remain. The extension would be a clearly contemporary addition but in sympathetic materials. The new south side wall would be built independently of the existing flint boundary wall, which would remain intact, though this would need to be controlled by condition.

5. MATERIAL CONSIDERATIONS

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

5.2 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.

5.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban Design

CP15 Heritage

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

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

HE6 Development within or affecting the setting of conservation areas

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design guide for extensions and alterations

7. CONSIDERATIONS & ASSESSMENT

7.1 The main considerations in the determination of this application relate to the impact of the proposed works upon the appearance and historic character of the Grade II listed building and wider conservation area, and the impact upon the amenities of surrounding occupants.

7.2 Design and Appearance:

Subject to the receipt of acceptable details as required by the recommended conditions, and in concurrence with the comments of the Heritage Team, it is considered that the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE6, and QD14 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

7.3 Impact on Amenity:

The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy following a site visit.

7.4 It is acknowledged that the proposed may result in some loss of light to the occupants of the Basement Flat at 11 Sillwood Place, given the additional depth (2.8m) and more opaque form of the extension relative to the existing conservatory, and the orientation of the site. However, given the existing form to the rear of this site, with ground floor outrigger and solid wall to the southern side of the conservatory, in conjunction with the full height of No. 10 Sillwood Place to the south, it is considered that the proposed extension would not result in a further loss of light to an extent that would warrant a recommendation of refusal.

7.5 Similarly, with regards to the property at No.10 Sillwood Place, it is considered that the additional depth and opaque form of the proposed extension relative to the existing conservatory, orientated to the north of aforesaid properties, would not result in a significant loss of light to occupants therein, nor result in a harmful sense of enclosure to the outdoor amenity space.

7.6 The conservatory as existing has north facing doors and windows, and the outrigger a north facing sash window (currently obscurely glazed, but openable). The east facing sash window serving the living room, in combination with the north facing features, already facilitates a degree of overlooking to the patio and/or bedroom window of the Basement Flat at 11 Sillwood Place. Although it is proposed for the obscure glazing within the north facing sash window to be replaced with clear glass, it is considered that the proposed works would not result in a significantly harmful increase in overlooking of and loss of privacy to the occupants of the Basement Flat at 11 Sillwood Place. It is considered that none of the other surrounding occupants would suffer from a significant loss of privacy as a result of the proposed works.

7.7 It is considered that use of the proposed extension as a bedroom with en-suite would not - in normal domestic use - be likely to result in a significantly harmful increase in noise disturbance to any of the surrounding occupants. Any

disturbance that may arise during the construction phase is not a material consideration which should influence the determination of this application.

- 7.8 As such, the proposed works are considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan, and it is recommended that consent is granted.

8. EQUALITIES

- 8.1 None identified.

ITEM N

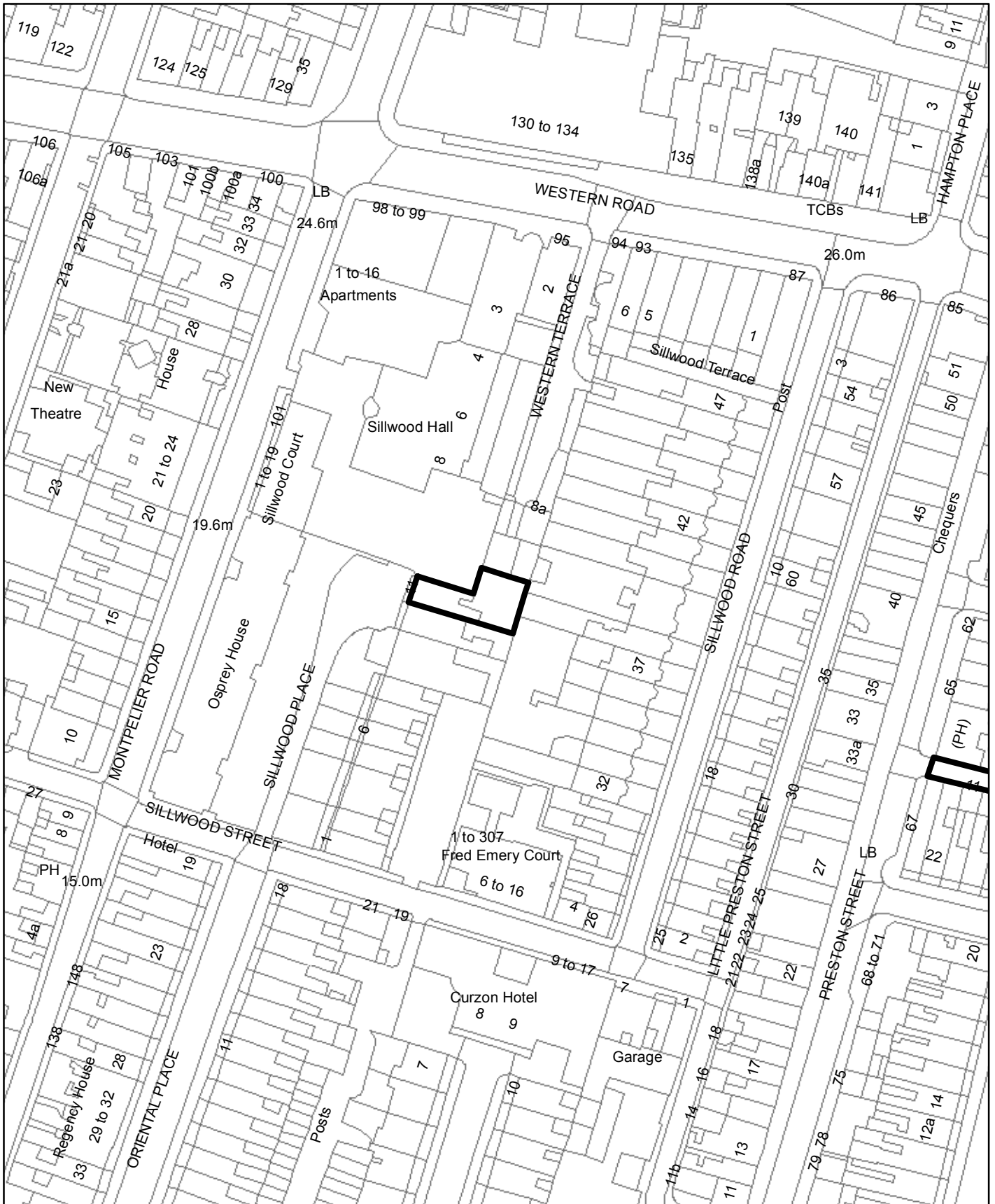
Flat 2, 11 Sillwood Place, Brighton

BH2016/05331

Listed Building Consent

8th March 2017

BH2016/05330 Flat 2, 11 Sillwood Place, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05331	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Flat 2 11 Sillwood Place Brighton BN1 2LH		
<u>Proposal:</u>	Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat.		
<u>Officer:</u>	Ryan O'Sullivan, tel: 290480	<u>Valid Date:</u>	19.09.2016
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	14.11.2016
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Mrs Chloe Lewis 7 Queen Square Brighton BN1 3FD		
<u>Applicant:</u>	M Banner Flat 2 11 Sillwood Place Brighton BN1 2LH		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

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

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

2 Before works commence a full method statement detailing how the existing flint boundary wall will be protected and retained during construction works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

Reason: As insufficient information has been submitted, 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 Brighton & Hove City Plan Part One.

3 No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the new windows and doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Existing Floor Plans and	16-130-01	B	26 January 2017

Elevations			
Floor plans and elevations proposed	16-130-02	B	26 January 2017
Block Plan Proposed	16-130-03	-	19 September 2016
Design and Access Statement	-	-	19 September 2016

2. RELEVANT HISTORY

BH2004/00270/FP - Construction of rear conservatory to ground floor flat. (Re-submission of Withdrawn application **BH2003/03481/FP**). Approved 17 March 2004

BH2004/00272/LB - Construction of rear conservatory and internal alterations to ground floor flat. (Re-submission of Withdrawn application BH2003/03532/LB). Approved 17 March 2004

3. REPRESENTATIONS

3.1 With reference to the associated Full Planning application No. **BH2016/05330**, **seven (7)** letters of representation have been received objecting to the proposed development for the following reasons:

- Works not in keeping with Grade II listed building and character of conservation area
- Extension would block daylight and sunlight to basement bedroom window and patio area (Basement Flat (Flat 1) 11 Sillwood Place), and cause overshadowing
- Loss of privacy
- Overlooking
- Increased noise disturbance
- Loss of visual amenity
- Construction phase disturbance

4. CONSULTATIONS

4.1 **Heritage:** No objection

The proposed internal alterations are comparatively minor and would not impact adversely on the surviving architectural and historic character of the interior.

4.2 Externally the existing early 20th century conservatory is of no significance and its replacement by a larger extension would still be appropriately subservient in scale and would cause no harm given the past degree of alterations to the rear elevations of numbers 10 and 11. A substantial garden area would remain. The extension would be a clearly contemporary addition but in sympathetic materials. The new south side wall would be built independently of the existing flint boundary wall, which would remain intact, though this would need to be controlled by condition.

5. MATERIAL CONSIDERATIONS

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

5.2 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.

5.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6. POLICIES

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 Buildings
HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design guide for extensions and alterations

7. CONSIDERATIONS & ASSESSMENT

7.1 The main considerations in the determination of this application relate to the impact of the proposed works upon the appearance and historic character of the Grade II listed building.

7.2 **Design and Appearance:**

Subject to the receipt of acceptable details as required by the recommended conditions, and in concurrence with the comments of the Heritage Team, it is considered that the proposed works would not harm the historic character or appearance of the Grade II listed building, in accordance with policies HE1 of

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

- 8. EQUALITIES**
- 8.1 None identified.

Decisions for Admin made between 12/01/2017 and 08/02/2017

Total of all Decisions = 172

Major

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/02742	DEVONIAN COURT, Park Crescent Place, Brighton, BN2 3HG	22/07/2016	Approved	17/01/2017	25/10/2016	18/01/2017	175	Major

No of MajorApps Decided = 1	Less than 8 Weeks = 0	Over 8 Weeks = 1	Less than 13 Weeks = 0	Over 13 Weeks = 1
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Minor

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2015/03558	The Black Lion 14 Black Lion Street Brighton	02/10/2015	Refused	25/01/2017	02/12/2015		476	Minor
BH2016/00003	TOP FLOOR FLAT, 18 Clifton Street, Brighton, BN1 3PH	23/12/2015	Approved	25/01/2017	16/05/2016		310	Minor
BH2016/00448	11 Radinden Drive, Hove, BN3 6LB	08/02/2016	Approved	20/01/2017	29/04/2016	20/01/2017	322	Minor
BH2016/00584	PRINCESS ALEXANDRA HOUSE, 34 Preston Park Avenue, Brighton, Brighton & Hove, BN1 6HG (34 Preston Park Avenue Brighton)	17/02/2016	Minded to Grant (subj to S106 agreement)	17/01/2017	28/04/2016	13/05/2016	320	Minor
BH2016/01478	23 Ainsworth Avenue, Brighton, BN2 7BG	27/04/2016	Approved	19/01/2017	29/06/2016	20/01/2017	260	Minor
BH2016/01643	Flat 1 47 Westbourne Villas Hove	28/04/2016	Refused	25/01/2017	23/06/2016		272	Minor
BH2016/01870	51 St James's Street, Brighton, BN2 1QG	23/05/2016	Approved	16/01/2017	16/09/2016	17/01/2017	178	Minor
BH2016/01931	LIONS GATE, 95 Rowan Avenue, Hove, BN3 7JZ (The Hyde 95 Rowan Avenue Hove)	25/05/2016	Approved	12/01/2017	20/07/2016		232	Minor
BH2016/01980	TIVOLI HOUSE, 1 Tivoli Crescent, Brighton, Brighton & Hove, BN1 5NB (1 Tivoli Crescent Brighton)	27/05/2016	Approved	20/01/2017	22/07/2016	20/01/2017	238	Minor
BH2016/02177	FARRELLS ESTATE AGENTS, 50 Goldstone Villas, Hove, Brighton & Hove, BN3 3RS (50 Goldstone Villas Hove)	10/06/2016	Refused	25/01/2017	08/08/2016	25/01/2017	228	Minor
BH2016/02328	MICROSCAPE HOUSE, Hove Park Villas, Hove, BN3 6HX	21/06/2016	Approved	03/02/2017	01/09/2016	03/02/2017	211	Minor

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/02421	TOP FLAT, 6 Farm Road, Hove, BN3 1FB	29/06/2016	Approved	20/01/2017	25/08/2016	23/01/2017	204	Minor
BH2016/02582	75 Tumulus Road Saltdean Brighton BN2 8FR	11/07/2016	Refused	17/01/2017	18/01/2017		55	Minor
BH2016/02682	55 Tongdean Avenue, Hove, BN3 6TN	18/07/2016	Approved	20/01/2017	09/11/2016	20/01/2017	128	Minor
BH2016/02714	62 Springfield Road, Brighton, BN1 6DE	20/07/2016	Approved	01/02/2017	11/10/2016	01/02/2017	169	Minor
BH2016/02721	20 Upper Market Street, Hove, BN3 1AS	20/07/2016	Approved	19/01/2017	12/10/2016	19/01/2017	155	Minor
BH2016/02821	17 Sutton Close, Brighton, BN2 6NN	28/07/2016	Refused	23/01/2017	24/10/2016	23/01/2017	147	Minor
BH2016/02852	96 Tongdean Lane, Brighton, BN1 5JE	29/07/2016	Approved	03/02/2017	26/09/2016	06/02/2017	186	Minor
BH2016/02893	83 Church Road Hove	03/08/2016	Refused	25/01/2017	16/12/2016	25/01/2017	96	Minor
BH2016/02894	83 Church Road, Hove, BN3 2BB	03/08/2016	Refused	03/02/2017	14/10/2016	06/02/2017	168	Minor
BH2016/02950	SALTDEAN LIDO, Saltdean Park Road, Saltdean, Brighton, BN2 8SP	08/08/2016	Approved	08/02/2017	03/10/2016	08/02/2017	184	Minor
BH2016/02969	129 Western Road, Brighton, BN1 2AD	09/08/2016	Approved	24/01/2017	13/10/2016		159	Minor
BH2016/02991	FLAT 6, WHITE COURT, 20 - 21 Adelaide Crescent, Hove	11/08/2016	Approved	24/01/2017	06/10/2016	25/01/2017	166	Minor
BH2016/03012	Land Rear Of 4-6 Pembroke Gardens Hove BN3 5DY	12/08/2016	Refused	23/01/2017	07/10/2016		164	Minor
BH2016/03016	Telephone Kiosks Outside 11-12 Trafalgar Street Brighton	12/08/2016	Approved	19/01/2017	27/10/2016	23/01/2017	140	Minor
BH2016/05058	20-25 North Street Brighton BN1 1EB	19/08/2016	Approved	16/01/2017	14/10/2016	16/01/2017	150	Minor
BH2016/05127	Corn Exchange Church Street & Studio Theatre 29 New Road Brighton	26/08/2016	Approved	24/01/2017	21/10/2016	25/01/2017	151	Minor
BH2016/05223	Land To The Rear Of 25 27 Holmes Avenue Hove BN3 7LB	08/09/2016	Approved	24/01/2017	03/11/2016	31/01/2016	138	Minor
BH2016/05288	Saltdean Lido And Community Centre Saltdean Park Road Saltdean Brighton BN2 8SP	13/09/2016	Approved	08/02/2017	22/11/2016	08/02/2017	134	Minor
BH2016/05320	1 - 14 Norfolk Mews Brighton BN1 2PH	16/09/2016	Approved	06/02/2017	13/12/2016	06/02/2017	111	Minor

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05422	317 Dyke Road Hove BN3 6PE	26/09/2016	Approved	06/02/2017	28/11/2016	06/02/2017	126	Minor
BH2016/05565	St Nicolas Church Manor Road Portslade BN41 2LES	05/10/2016	Approved	01/02/2017	07/12/2016	06/02/2017	112	Minor
BH2016/05748	4 Keymer Road Brighton BN1 8FB	18/10/2016	Refused	03/02/2017	13/12/2016	03/02/2017	108	Minor
BH2016/05769	21 - 30 Kings Road Brighton BN1 2GS	20/10/2016	Approved	27/01/2017	15/12/2016	31/01/2017	99	Minor
BH2016/05778	20 Little Crescent Rottingdean Brighton BN2 7GF	20/10/2016	Approved	26/01/2017	22/12/2016	27/01/2017	91	Minor
BH2016/05856	Ground Floor Flat & First Floor Flat 13 Exeter Street Brighton BN1 5PG	26/10/2016	Approved	20/01/2017	21/12/2016	20/01/2017	86	Minor
BH2016/05868	5D Gladstone Terrace Brighton BN2 3LB	27/10/2016	Approved	16/01/2017	22/12/2016		81	Minor
BH2016/05924	Adjacent To 1 North Street Portslade BN41 1DH	02/11/2016	Approved	19/01/2017	28/12/2016	19/01/2017	78	Minor
BH2016/05976	Bath Court Kings Esplanade Hove BN3 2WP	04/11/2016	Refused	26/01/2017	30/12/2016	30/01/2017	83	Minor
BH2016/05995	46 Goldstone Road Hove BN3 3RH	07/11/2016	Approved	31/01/2017	02/01/2017	03/02/2017	85	Minor
BH2016/06148	32 Princes Terrace Brighton BN2 5JS	17/11/2016	Approved	12/01/2017	12/01/2017		56	Minor
BH2016/06207	39 Grand Parade Brighton BN2 9QA	23/11/2016	Approved	19/01/2017	19/01/2017		56	Minor

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/06304	67 Queens Road Brighton BN1 3XD	30/11/2016	Approved	31/01/2017	25/01/2017		62	Minor
BH2016/06328	White Horse Hotel 1 High Street Rottingdean Brighton BN2 7HR	02/12/2016	Prior Approval Not Required	25/01/2017	27/01/2017		54	Minor

No of MinorApps Decided = 44	Less than 8 Weeks = 4	Over 8 Weeks = 40	Less than 13 Weeks = 11	Over 13 Weeks = 33
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Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2013/01301	25 Hove Park Villas, Hove, BN3 6HH	23/04/2013	Split	26/01/2017	18/06/2013		1,374	Other
BH2015/00985	37 Barnett Road, Brighton, BN1 7GJ	18/03/2015	Approved	25/01/2017	13/07/2015		618	Other
BH2015/02980	70 Overhill Drive, Brighton, BN1 8WJ	12/08/2015	Approved	23/01/2017	07/10/2015	26/01/2017	530	Other
BH2015/03443	47 St Pauls Street, Brighton, BN2 3HR	24/09/2015	Refused	25/01/2017	01/12/2015		477	Other
BH2015/04446	HOLY TRINITY CHURCH, Blatchington Road, Hove, BN3 3TA	09/12/2015	Approved	25/01/2017	04/02/2016		412	Other
BH2015/04447	HOLY TRINITY CHURCH, Blatchington Road, Hove, BN3 3TA	09/12/2015	Approved	25/01/2017	03/02/2016		413	Other
BH2016/01520	FIRST AND SECOND FLOORS, 181 Church Road, Hove, Brighton & Hove, BN3 2AB (Lower Ground Floor 181 Church Road Hove)	27/04/2016	Approved	26/01/2017	22/06/2016		274	Other
BH2016/01873	80 Craven Road, Brighton, BN2 0FG	19/05/2016	Approved	19/01/2017	14/07/2016	25/01/2017	245	Other
BH2016/02089	44 Hawkhurst Road, Brighton, BN1 9GF	06/06/2016	Approved	16/01/2017	22/08/2016	19/01/2017	203	Other
BH2016/02179	12 Cranleigh Avenue, Rottingdean, Brighton, BN2 7GT	13/06/2016	Refused	02/02/2017	18/08/2016	02/02/2017	224	Other
BH2016/02201	4 Harrington Road Brighton	10/06/2016	Refused	23/01/2017	18/08/2016	24/10/2016	214	Other
BH2016/02233	Blatchington Mill School, Nevill Avenue, Hove, BN3 7BW	15/06/2016	Approved	06/02/2017	13/12/2016	06/02/2017	111	Other
BH2016/02278	2 Highview Way, Brighton, BN1 8WS	20/06/2016	Refused	24/01/2017	15/08/2016		218	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/02377	11 Coombe Vale, Saltdean, Brighton, BN2 8HN	24/06/2016	Approved	16/01/2017	02/09/2016	16/01/2017	192	Other
BH2016/02470	36 Hillcrest, Brighton, BN1 5FN	04/07/2016	Prior	24/01/2017	15/08/2016		204	Other
BH2016/02523	51 & Part Of 49 Woodruff Avenue Hove BN3 6PH	06/07/2016	Refused	19/01/2017	06/12/2016	20/01/2017	100	Other
BH2016/02724	6 Hollingdean Road Brighton BN2 4AA	21/07/2016	Approved	08/02/2017	15/09/2016	08/02/2017	202	Other
BH2016/02810	57 Hornby Road, Brighton, BN2 4JH	27/07/2016	Approved	26/01/2017	14/10/2016	27/01/2017	160	Other
BH2016/02814	4-6 Montefiore Road Hove BN3 1RD	27/07/2016	Approved	13/01/2017	29/09/2016		162	Other
BH2016/02820	Flat 6 White Court 20-21 Adelaide Crescent Hove	28/07/2016	Approved	24/01/2017	22/09/2016	25/01/2017	180	Other
BH2016/02847	57 Welbeck Avenue, Hove, BN3 4JQ	29/07/2016	Refused	26/01/2017	23/11/2016		120	Other
BH2016/02901	Wardens Flat Homedrive House 95-97 The Drive Hove BN3 6GE	03/08/2016	Approved	26/01/2017	25/10/2016	31/01/2017	149	Other
BH2016/02936	William Hill 19-20 Surrey Street Brighton	08/08/2016	Approved	30/01/2017	12/10/2016		166	Other
BH2016/02942	17A Addison Road, Hove, BN3 1TQ	08/08/2016	Approved	16/01/2017	06/10/2016	16/01/2017	158	Other
BH2016/02951	SALTDEAN LIDO, Saltdean Park Road, Saltdean, Brighton, BN2 8SP	08/08/2016	Approved	08/02/2017	03/10/2016	08/02/2017	184	Other
BH2016/03013	28A Preston Road, Brighton, BN1 4QF (28-28A Preston Road Brighton)	12/08/2016	Approved	30/01/2017	10/10/2016		168	Other
BH2016/03017	Telephone Kiosks Outside 11-12 Trafalgar Street Brighton	12/08/2016	Approved	19/01/2017	07/10/2016	23/01/2017	160	Other
BH2016/05003	12 Norwich Drive Brighton BN2 4LA	16/08/2016	Refused	25/01/2017	07/11/2016		135	Other
BH2016/05027	4-6 Montefiore Road Hove BN3 1RD	17/08/2016	Approved	18/01/2017	19/10/2016		147	Other
BH2016/05094	Brunswick Primary School Somerhill Road Hove BN3 1RP	22/08/2016	Approved	01/02/2017	14/11/2016		107	Other
BH2016/05146	92 Blatchington Road Hove BN3 3YF	26/08/2016	Approved	26/01/2017	26/12/2016		87	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05147	104 Portland Road Hove BN3 5DN	26/08/2016	Approved	31/01/2017	26/12/2016		92	Other
BH2016/05170	30 Sussex Terrace Brighton BN2 9QJ	31/08/2016	Approved	06/02/2017	26/10/2016	06/02/2017	159	Other
BH2016/05195	17 The Beeches Brighton BN1 5LS	05/09/2016	Approved	25/01/2017	31/10/2016	27/01/2017	142	Other
BH2016/05227	59 Langdale Road Hove BN3 4HR	07/09/2016	Approved	01/02/2017	04/11/2016		145	Other
BH2016/05232	64 Hollingbury Park Avenue Brighton BN1 7JF	08/09/2016	Approved	20/01/2017	03/11/2016		134	Other
BH2016/05289	Saltdean Lido And Community Centre Saltdean Park Road Saltdean Brighton BN2 8SP	13/09/2016	Approved	08/02/2017	22/11/2016	08/02/2017	134	Other
BH2016/05295	10 Norfolk Street Brighton BN1 2PW	14/09/2016	Refused	06/02/2017	30/12/2016	06/02/2017	94	Other
BH2016/05314	11 Cross Street Hove BN3 1AJ	16/09/2016	Refused	25/01/2017	14/11/2016		128	Other
BH2016/05321	Land Rear Of 285 Dyke Road Hove BN3 6PD	13/09/2016	Approved	07/02/2017	08/11/2016		147	Other
BH2016/05364	42 Highdown Road Hove BN3 6ED	21/09/2016	Approved	13/01/2017	16/11/2016	13/01/2017	114	Other
BH2016/05413	25-26 New Road Brighton BN1 1UG	23/09/2016	Approved	16/01/2017	18/11/2016		115	Other
BH2016/05426	18 Norfolk Road Brighton BN1 3AA	26/09/2016	Approved	08/02/2017	12/12/2016		114	Other
BH2016/05433	66 Millcroft Brighton BN1 5HD	27/09/2016	Refused	23/01/2017	22/11/2016		118	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05442	Flat 5 21 Vallance Gardens Hove BN3 2DB	27/09/2016	Refused	16/01/2017	19/12/2016	20/01/2017	84	Other
BH2016/05459	Flat 4 15 Bedford Place Brighton BN1 2PT	28/09/2016	Approved	31/01/2017	23/12/2016	03/02/2017	95	Other
BH2016/05483	Units 2-8 The Terraces Madeira Drive Brighton BN2 1AY	29/09/2016	Approved	26/01/2017	14/12/2016		99	Other
BH2016/05495	46 Ashurst Road Brighton BN2 4PH	29/09/2016	Refused	07/02/2017	01/12/2016	07/02/2017	124	Other
BH2016/05496	39 Longhill Road Brighton BN2 7BF	30/09/2016	Approved	24/01/2017	29/11/2016	24/01/2017	112	Other
BH2016/05505	119 Bevendean Crescent Brighton BN2 4RE	30/09/2016	Approved	03/02/2017	08/12/2016		113	Other
BH2016/05515	4 Parkmore Terrace Brighton BN1 6AL	03/10/2016	Approved	13/01/2017	05/12/2016	13/01/2017	95	Other
BH2016/05517	10 The Boardwalk Brighton Marina Brighton BN2 5ZB	03/10/2016	Approved	16/01/2017	12/12/2016		91	Other
BH2016/05536	63 Park Road Brighton BN1 9AA	03/10/2016	Refused	19/01/2017	29/11/2016		107	Other
BH2016/05572	228 Queens Park Road Brighton BN2 9ZB	05/10/2016	Approved	31/01/2017	12/12/2016		106	Other
BH2016/05585	15 Falmer Gardens Brighton BN2 6NE	06/10/2016	Refused	23/01/2017	01/12/2016		109	Other
BH2016/05613	33 Copse Hill Brighton BN1 5GA	07/10/2016	Prior Approval Required	16/01/2017	18/11/2016		101	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05650	5 Cobton Drive Hove BN3 6WF	11/10/2016	Approved	07/02/2017	06/12/2016	07/02/2017	119	Other
BH2016/05651	10 Carlisle Road Hove BN3 4FR	12/10/2016	Approved	12/01/2017	07/12/2016	13/01/2017	92	Other
BH2016/05652	34 Raphael Road Hove BN3 5QQ	12/10/2016	Approved	19/01/2017	14/12/2016	20/01/2017	92	Other
BH2016/05653	34 Raphael Road Hove BN3 5QQ	12/10/2016	Refused	19/01/2017	26/12/2016		80	Other
BH2016/05667	Site Of 106 Lewes Road Brighton	13/10/2016	Approved	24/01/2017	19/12/2016		92	Other
BH2016/05678	1A Paston Place Brighton BN2 1HA	13/10/2016	Approved	08/02/2017	09/12/2016		117	Other
BH2016/05688	1-4 Marine Parade Brighton BN2 1TA	14/10/2016	Approved	31/01/2017	30/12/2016	27/01/2017	88	Other
BH2016/05712	19 Temple Street Brighton BN1 3BH	14/10/2016	Refused	31/01/2017	16/12/2016	02/02/2017	102	Other
BH2016/05722	Flat 2 36 Brunswick Square Hove BN3 1ED	17/10/2016	Approved	31/01/2017	19/12/2016		99	Other
BH2016/05745	Sussex Mansions 39 - 40 Sussex Square Brighton BN2 5AD	18/10/2016	Approved	02/02/2017	21/12/2016		99	Other
BH2016/05763	Flat 1 2 Denmark Terrace Brighton BN1 3AN	19/10/2016	Approved	03/02/2017	04/01/2017	06/02/2017	86	Other
BH2016/05764	39 Copse Hill Brighton BN1 5GA	19/10/2016	Approved	03/02/2017	21/12/2016		100	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05812	8 Plainfields Avenue Brighton BN1 8RJ	21/10/2016	Approved	24/01/2017	19/12/2016		92	Other
BH2016/05814	5 Powis Villas Brighton BN1 3HD	17/10/2016	Refused	23/01/2017	28/12/2016	20/01/2017	82	Other
BH2016/05815	5 Powis Villas Brighton BN1 3HD	21/10/2016	Refused	20/01/2017	27/12/2016	20/01/2017	80	Other
BH2016/05822	Holy Trinity Church Blatchington Road Hove BN3 3TA	20/10/2016	Approved	30/01/2017	17/11/2016		102	Other
BH2016/05829	6B Tongdean Road Hove BN3 6QB	24/10/2016	Approved	24/01/2017	19/12/2016	30/01/2017	92	Other
BH2016/05880	171 Queens Park Road Brighton BN2 0GH	27/10/2016	Approved	31/01/2017	04/01/2017		83	Other
BH2016/05885	100 Whippingham Road Brighton BN2 3PG	28/10/2016	Approved	31/01/2017	30/12/2016	06/02/2017	88	Other
BH2016/05888	2 Midhurst Walk Hove BN3 8GT	28/10/2016	Approved	17/01/2017	26/12/2016	13/01/2017	78	Other
BH2016/05892	88 - 92 Church Road Hove BN3 2EB	28/10/2016	Approved	16/01/2017	23/12/2016		80	Other
BH2016/05901	25 Totland Road Brighton BN2 3EP	31/10/2016	Refused	24/01/2017	02/01/2017		78	Other
BH2016/05929	259 Hangleton Road Hove BN3 7LR	02/11/2016	Approved	24/01/2017	28/12/2016	25/01/2017	83	Other
BH2016/05980	St Lukes Church Queens Park Road Brighton BN2 9ZB	04/11/2016	Approved	25/01/2017	30/12/2016		82	Other
BH2016/05983	83 Downland Road Brighton BN2 6DL	07/11/2016	Refused	24/01/2017	02/01/2017	27/01/2017	78	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/05985	19 Harrington Road Brighton BN1 6RE	07/11/2016	Approved	02/02/2017	06/01/2017	03/02/2017	83	Other
BH2016/05987	12 Lustrells Vale Saltdean Brighton BN2 8FE	07/11/2016	Approved	26/01/2017	02/01/2017	30/01/2017	80	Other
BH2016/05988	Telecommunication Mast 51560 Grass Verge Opposite 2 Hawkhurst Road Coldean Lane Brighton BN1 9GP	07/11/2016	Approved	30/01/2017	05/01/2017	30/01/2017	81	Other
BH2016/05992	34 Wilbury Avenue Hove BN3 6GH	07/11/2016	Approved	20/01/2017	05/01/2017	27/01/2017	71	Other
BH2016/06000	5 - 7 Rutland Gardens Hove BN3 5PA	07/11/2016	Approved	26/01/2017	06/01/2017	03/02/2017	76	Other
BH2016/06020	11 Waldegrave Road Brighton BN1 6GR	09/11/2016	Refused	17/01/2017	04/01/2017	20/01/2017	69	Other
BH2016/06033	14 Agnes Street Brighton BN2 3AS	10/11/2016	Approved	03/02/2017	05/01/2017	06/02/2017	85	Other
BH2016/06038	6 Lucerne Road Brighton BN1 6GH	10/11/2016	Approved	27/01/2017	05/01/2017	27/01/2017	78	Other
BH2016/06046	12 Upper Wellington Road Brighton BN2 3AN	10/11/2016	Refused	03/02/2017	06/01/2017		84	Other
BH2016/06052	18 Regent Hill Brighton BN1 3ED	10/11/2016	Approved	26/01/2017	05/01/2017		77	Other
BH2016/06062	16 Sudeley Street Brighton BN2 1HE	10/11/2016	Approved	02/02/2017	13/01/2017	10/02/2017	76	Other
BH2016/06069	7 Welesmere Road Rottingdean Brighton BN2 7DN	11/11/2016	Approved	26/01/2017	06/01/2017	01/02/2017	76	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/06090	Former Infinity Foods Site 67 Norway Street Portslade BN41 1AE	14/11/2016	Refused	25/01/2017	09/01/2017		72	Other
BH2016/06094	Ground Floor Flat 311 Kingsway Hove BN3 4LT	14/11/2016	Approved	13/01/2017	13/01/2017		56	Other
BH2016/06097	14 Welesmere Road Rottingdean Brighton BN2 7DN	14/11/2016	Approved	08/02/2017	09/01/2017	14/02/2017	86	Other
BH2016/06099	5 Braemore Road Hove BN3 4HA	15/11/2016	Approved	26/01/2017	10/01/2017	26/01/2017	72	Other
BH2016/06164	18 Regent Hill Brighton BN1 3ED	18/11/2016	Approved	26/01/2017	17/01/2017		65	Other
BH2016/06167	Pembroke Hotel 2 Third Avenue Hove BN3 2PD	21/11/2016	Approved	08/02/2017	16/01/2017		79	Other
BH2016/06168	Pembroke Hotel 2 Third Avenue Hove BN3 2PD	21/11/2016	Approved	08/02/2017	16/01/2017		79	Other
BH2016/06181	Flat 16 Park View 7-8 Highcroft Villas Brighton BN1 5PS	22/11/2016	Approved	03/02/2017	20/01/2017	03/02/2017	70	Other
BH2016/06192	51 Fallowfield Crescent Hove BN3 7NN	22/11/2016	Approved	23/01/2017	17/01/2017	27/01/2017	62	Other
BH2016/06212	123 - 125 Portland Road Hove BN3 5QY	23/11/2016	Prior Approval Required	20/01/2017	20/01/2017		56	Other
BH2016/06269	49 North Street Brighton BN1 1RH	29/11/2016	Approved	31/01/2017	24/01/2017		63	Other
BH2016/06280	3 Queens Park Road Brighton BN2 0GJ	29/11/2016	Approved	26/01/2017	24/01/2017		58	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/06331	132 Longhill Road Brighton BN2 7BD	02/12/2016	Approved	12/01/2017	27/01/2017		41	Other
BH2016/06347	1 The Leas 34-35 Sussex Square Brighton BN2 5AD	06/12/2016	Approved	01/02/2017	31/01/2017		57	Other
BH2016/06361	5 Temple Street Brighton BN1 3BH	06/12/2016	Approved	01/02/2017	31/01/2017		57	Other
BH2016/06378	165 Preston Drive Brighton BN1 6FN	07/12/2016	Approved	07/02/2017	07/02/2017		56	Other
BH2016/06398	56 Ship Street Brighton BN1 1AF	08/12/2016	Approved	31/01/2017	06/02/2017		50	Other
BH2016/06450	Flat 6 30 Adelaide Crescent Hove BN3 2JH	13/12/2016	Refused	07/02/2017	07/02/2017		56	Other
BH2016/06453	Flat 6 30 Adelaide Crescent Hove BN3 2JH	13/12/2016	Refused	07/02/2017	17/02/2017		46	Other
BH2016/06456	18 Highbank Brighton BN1 5GB	13/12/2016	Prior Approval Not	24/01/2017	24/01/2017		42	Other
BH2016/06483	16 Shirley Road Hove BN3 6NN	07/10/2016	Approved	31/01/2017	02/12/2016		116	Other
BH2016/06484	18A Hove Park Villas Hove BN3 6HG	15/12/2016	Approved	03/02/2017	09/02/2017		50	Other
BH2016/06498	35 Dover Road Brighton BN1 6LP	16/12/2016	Approved	08/02/2017	10/02/2017		54	Other
BH2016/06548	23 Hamilton Road Brighton BN1 5DL	21/12/2016	Prior Approval Not	24/01/2017	02/02/2017		33	Other

Appn No	Address	Date App Rec	Decision	Decision Date	Expiry Date	EoT Revised Expiry Date	Time	
BH2016/06574	13-22 North Street, 12D Meeting House Lane, 11-14 Brighton Place Brighton BN1 1EB	22/12/2016	Approved	12/01/2017	16/02/2017		21	Other
BH2016/06596	161 Braeside Avenue Brighton BN1 8SP	23/12/2016	Prior Approval Not	31/01/2017	03/02/2017		39	Other
BH2016/06609	80 Vale Avenue Brighton BN1 8UA	27/12/2016	Prior Approval Not	31/01/2017	07/02/2017		35	Other
BH2016/06612	119 Lewes Road Brighton BN2 3QB	23/12/2016	Approved	19/01/2017	09/02/2017		7	Other
BH2016/06616	21 North Lane Portslade BN41 2HF	28/12/2016	Prior Approval Required	08/02/2017	08/02/2017		42	Other
BH\2016\ENQ\00	Garage Site Eastergate Road Brighton	30/06/2016	Pre app	24/01/2017	21/07/2016		208	Other
BH2017/00011	86 Sandgate Road Brighton BN1 6JQ	03/01/2017	Approved	01/02/2017	28/02/2017		29	Other
BH2017/00019	6 Hornby Road Brighton BN2 4JL	03/01/2017	Prior Approval Required	31/01/2017	14/02/2017		28	Other
BH2017/00021	28 Cuthbert Road Brighton BN2 0EN	04/01/2017	Prior Approval Required	31/01/2017	16/02/2017		26	Other
BH2017/00033	15 North Street Brighton BN1 1EB	05/01/2017	Approved	31/01/2017	02/03/2017		26	Other

No of OtherApps Decided = 127

Less than 8 Weeks = 20

Over 8 Weeks = 107

Less than 13 Weeks = 60

Over 13 Weeks = 67

NEW APPEALS RECEIVED**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON AND KNOLL**

BH2016/02047

107 Boundary Road, Hove, BN3 7GB
Demolition of existing house and
erection of 7no flats (C3) with
associated parking.

APPEAL IN PROGRESS

01/02/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****MOULSECOOMB AND BEVENDEAN**

BH2016/02887

126 Newick Road, Brighton, BN1 9JG
Change of use from four bedroom
single dwelling (C3) to four bedroom
small house in multiple occupation
(C4).

APPEAL IN PROGRESS

27/01/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****MOULSECOOMB AND BEVENDEAN**

BH2016/05129

17 Nyetimber Hill Brighton BN2 4TL
Change of use from four bedroom
small house in multiple occupation (C4)
to nine bedroom house in multiple
occupation (Sui Generis)
(Retrospective)

APPEAL IN PROGRESS

27/01/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2016/05133

Maisonette 42 Dyke Road Drive
Brighton BN1 6AJRoof alterations incorporating dormer
to rear and 2no rooflights to the front
elevation.

APPEAL IN PROGRESS

26/01/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2016/01345

Flat 3 3 Lewes Crescent Brighton

Roof alterations including raising of
ridge height and installation of
rooflights to rear elevation.

APPEAL IN PROGRESS

19/01/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2016/01346

Flat 3 3 Lewes Crescent Brighton BN2
1FHRoof alterations including raising of
ridge height and installation of
rooflights to rear elevation.

APPEAL IN PROGRESS

19/01/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2016/01693

106 Greenways, Brighton, BN2 7BL

Erection of 1no detached three
bedroom bungalow (C3) with off street
parking accessed from Ainsworth
Avenue.

APPEAL IN PROGRESS

25/01/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

SOUTH PORTSLADE

BH2016/02386

19 Vale Road, Portslade, BN41 1GD

Erection of a single storey rear extension.

APPEAL IN PROGRESS

23/01/2017

Delegated

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application no:	BH2014/03394
Description:	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.
Decision:	AWAITING DECISION
Type of Appeal	Public Inquiry against Refusal
Date:	29 th November 2016, Hove Town Hall
Site Location:	6 Falmer Avenue, Saltdean

Planning Application no:	BH2016/01961
Description:	Demolition of existing Buildings and erection of a 3 Storey building containing 44 assisted living apartments for older persons with associated communal facilities, parking and landscaping.
Decision:	
Type of Appeal	Public Inquiry against Non-Determination
Date:	13 th to 16 th June 2017, Brighton Town Hall
Site Location:	46-54 Old London Road, Brighton

Planning Application no:	BH2015/01462
Description:	Certificate of Lawfulness for existing use of basement level as 2no self-contained residential units.
Decision:	
Type of Appeal	Public Inquiry against Non-Determination
Date:	TBC
Site Location:	41a Cromwell Road, Hove

Appeals Determined between 12/01/2017 - 08/02/2017**Count of Appeals = 10****Count of Appeals = 10****A**

Appeal Appn No	APL2017/00002
Address	75A Hanover Street, Brighton, BN2 9SS
Development Description	Replacement of existing timber framed windows with white powder coated aluminium framed windows.
Appeal Received	04/01/2017
Reason for Appeal	Householder-against refusal P1FastTk
Appeal Status	Appeal Dismissed
Appeal Type	Householder Appeal
Appeal Decision	Appeal Dismissed
Appeal Decision Date	26/01/2017

B

Appeal Appn No	APL2016/05041
Address	77 St Aubyns, Hove, BN3 2TL
Development Description	Erection of three bedroom residential dwelling to replace existing rear garages, accessed from Seafield Road, Hove.
Appeal Received	27/10/2016
Reason for Appeal	Full Planning-against refusal
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	01/02/2017

C

Appeal Appn No	APL2016/05036
Address	148A Preston Drove, Brighton, BN1 6FJ
Development Description	Demolition of existing garage buildings and erection of 1no four bedroom dwelling (C3) with associated landscaping.
Appeal Received	21/10/2016
Reason for Appeal	Full Planning-against non determination
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	30/01/2017

D

Appeal Appn No	APL2017/00003
Address	29 Rosebery Avenue Brighton BN2 6DE
Development Description	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 2.8 m and for which the height of the eaves would be 2.5m.
Appeal Received	04/01/2017
Reason for Appeal	PriorApproval-against refusalP1FastTk
Appeal Status	Appeal Dismissed
Appeal Type	Householder Appeal
Appeal Decision	Appeal Dismissed
Appeal Decision Date	30/01/2017

E

Appeal Appn No	APL2016/05028
Address	FLAT 1, 63 The Drive, Hove, BN3 3PF
Development Description	Conversion of existing 1no two bedroom flat into 2no one bedroom flats.
Appeal Received	15/09/2016
Reason for Appeal	Full Planning-against refusal
Appeal Status	Appeal Dismissed
Appeal Type	
Appeal Decision	Appeal Dismissed
Appeal Decision Date	26/01/2017
Appeal Appn No	APL2016/05047
Address	53 Stanley Road, Brighton, BN1 4NH
Development Description	Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom House in Multiple Occupation (Sui Generis), with erection of ground and second floor rear extensions and roof alterations incorporating rear rooflights.
Appeal Received	01/11/2016
Reason for Appeal	Full Planning-against refusal
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	02/02/2017

F

Appeal Appn No	APL2017/00006
Address	81 Dean Court Road Rottingdean Brighton BN2 7DL
Development Description	Enlargement of existing rear garage including installation of pitched roof. (Part retrospective).
Appeal Received	05/01/2017
Reason for Appeal	Householder-against refusal P1FastTk
Appeal Status	Appeal Allowed
Appeal Type	Written Representation
Appeal Decision	Appeal Allowed
Appeal Decision Date	19/01/2017

G

Appeal Appn No	APL2016/05064
Address	1 Cranmer Avenue Hove BN3 7JP
Development Description	Erection of a one storey rear and a two storey side extension.
Appeal Received	12/12/2016
Reason for Appeal	Householder-against refusal P1FastTk
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	07/02/2017

H

Appeal Appn No	APL2016/05042
Address	5 Godwin Road, Hove, BN3 7FQ
Development Description	Erection of 1no two storey two bedroom dwelling house (C3).
Appeal Received	01/11/2016
Reason for Appeal	Full Planning-against refusal
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	23/01/2017

I

Appeal Appn No	APL2016/05044
Address	39 Old Shoreham Road, Brighton, BN1 5DQ
Development Description	Conversion and extension to existing dwelling (C3) to form 1no one bedroom flat and 5no two bedroom flats (C3) including demolition of existing side extension and erection of extensions to side at basement, ground and first floor level and associated alterations.
Appeal Received	01/11/2016
Reason for Appeal	Full Planning-against non determination
Appeal Status	Appeal Dismissed
Appeal Type	Written Representation
Appeal Decision	Appeal Dismissed
Appeal Decision Date	24/01/2017

Appeal Decision

Site visit made on 17 January 2017

by **David Hogger BA MSc MRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2017

Appeal Ref: APP/Q1445/D/16/3161239 75A Hanover Street, Brighton BN2 9SS

- 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 Nathan Morgan against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02058, dated 18 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is the replacement of existing timber framed windows with aluminium framed windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Valley Gardens Conservation Area (CA).

Reasons

3. The appeal property sits at the end of a terrace of four dwellings which, even with the addition of burglar alarms, presents an attractive, largely symmetrical and consistent frontage on to Hanover Street. Currently three of the dwellings retain timber-framed windows. The exception is No75 but I am told by the Council that the replacement windows at that property are unlawful.
4. Although the proposed windows that are visible from the street would have 'matching' glazing bars, they would not include what are described as architectural horns. Whilst I accept that the horns are not integral to the functioning of the windows they are nevertheless an important visual feature, which albeit in a small way, contribute to the character and appearance of the street scene.
5. The proposed windows would be aluminium and I am told by the appellant that they would be low maintenance and sustainable. I acknowledge that in other circumstances such windows would be appropriate but in this situation great weight should be attached to preserving the appearance of the CA and I am not satisfied that this proposal would satisfactorily achieve that objective.

6. In terms of the wider street scene I saw a variety of window styles and materials but to some degree that reflects the significant differences in terms of property design and appearance. As referred to above, the terrace in which the appeal property sits retains a high level of symmetry which is not widely evident elsewhere in the street, thus emphasising the need to preserve the uniformity that exists.
7. Saved policy QD14 of the Brighton and Hove Local Plan (BHLP) requires development to be well designed and detailed, and saved policy HE6 confirms that a high standard of design and detailing is required in conservation areas. In particular the policy seeks to ensure that small scale architectural details are retained. Further advice is contained within Supplementary Planning Documents (SPD) 09: Architectural Features and 12: Design Guide for Extensions and Alterations. SPD 09 states that in conservation areas original windows should be retained unless beyond economic repair. SPD12 confirms that the Council is seeking to retain continuity and consistency in the appearance of buildings and that replacement windows on street elevations should be consistent with the original windows in order to retain and reinforce the uniformity of the façade as a whole. This proposal does not meet the policy requirements.
8. The appellant refers to examples of similar replacement windows elsewhere in the street. However, I do not have details of those works and in any event I am required to determine this appeal on its own merits. Reference is also made to the justification for including Hanover Street within the Conservation Area and to the issue of permitted development rights but I have determined the appeal on the basis of the evidence before me, including the Council's current policy framework.
9. The Council's approach to conserving and enhancing the historic environment is clearly set out in the Development Plan and in the aforementioned SPDs and there is insufficient justification for making an exception to policy in this case. Although it is not a matter on which my decision has turned, if this appeal were allowed it may make it more difficult for the Council to resist other similar proposals elsewhere in the CA which could be to the detriment of the character or appearance of the CA.
10. For the reasons given above the appeal should be dismissed.

David Hogger

Inspector

Appeal Decision

Site visit made on 12 December, 2016

by **C. Jack, BSc (Hons) MA MA(TP) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st January, 2017

Appeal Ref: **APP/Q1445/W/16/3157589**

77 St Aubyns, Hove, BN3 2TL

- 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 A Stuart of Art Stuart Property Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03171, dated 27 August, 2015 was refused by notice dated 10 June, 2016.
 - The development proposed is the demolition of garages and construction of a detached family dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, including the Old Hove Conservation Area, the setting of the adjacent Cliftonville Conservation Area, and the effect on trees and ii) the living conditions of nearby occupiers, with particular regard to privacy and outlook.

Reasons

3. 77 St Aubyns (No 77) is a mid-terrace property, typical of the area, which is converted into five flats. At the rear there is a garden area, a pair of single garages, and an off-street parking area, accessed from Seafield Road. No 77 lies within the Old Hove Conservation Area (OHCA). The properties on the opposite side of Seafield Road fall within the Cliftonville Conservation Area (CCA), which abuts the OHCA. St Aubyns and Seafield Road are predominantly residential, generally characterised in the vicinity of the site by rows of attractive, fairly uniform traditional terraced houses. Street trees are also a particular feature of the area.
 4. It is proposed to demolish the pair of garages and erect a three-storey dwelling of modern design at the rear of No 77, fronting Seafield Road. The house would be set back slightly from the road, behind a small forecourt area, and would have a courtyard to the rear. A reduced garden area would be retained for No 77. The existing Elm tree adjacent to the front boundary of the site is also proposed to be retained.
 5. The parties agree that the principle of residential development here is acceptable.
-

Character and appearance

6. The existing garages on the appeal site form part of a row of similar flat roofed garages with off-street parking spaces in front, which extends much of the way along this side of Seafield Road. Accordingly, the built form on this side of Seafield Road is low-rise and unobtrusive in the vicinity of the site. While the quality of the garage buildings is not high, this arrangement gives a spacious feel to the road, which forms a key part of its existing character. There is a notably wide separation between the front of the Seafield Road properties and the rear elevations of St Aubyns, which are generally open to clear view from Seafield Road and display various features such as balconies and fire escapes. The row of street trees that runs in front of the garages also makes a positive contribution to the appearance of Seafield Road. It is this general consistency, coupled with the traditional features appreciated in the relatively open environment, which defines the two conservation areas here.
7. The proposed house would be substantially larger than the existing garages, which would result in a prominent presence in the relatively open street scene. The three-storey, flat-roofed, boxy structure would cover the majority of the site area, abutting the boundary on one side, with just a narrow path provided along the other side of the house. Therefore, together with its proximity to the front boundary and its height and proximity in relation to the adjacent tree, the house would appear cramped and over-dominant within its plot. I accept that the height of the house would be lower than the eaves of the Seafield Road houses, nonetheless, its overall scale would be out of keeping with the low-rise and low-key built form to either side of it, giving it an incongruous and stark appearance in the wider street scene.
8. The proposed design, flat roof, and materials would also be out of keeping in this location, which is predominantly characterised by more traditional properties of fairly uniform appearance. This would compound the awkward and incongruous appearance of the building, which would be at odds with its surroundings. This would be to the detriment of the established character of the street scene and would fail to reflect the defining characteristics of the OHCA and CCA.
9. I note that there have been a number of planning permissions granted for residential development in Seafield Road and that several three-storey terraced houses have been built towards the far end of the road (numbered 66 - 74) relatively recently. A further two-storey detached house (Seafield Cottage) lies between that terrace and the extensive row of garages. These other additions are of more traditional design and materials and relate reasonably comfortably to the more historic built environment around them. There is also a large detached house at the Church Road end of the street, which relates closely to the adjacent buildings that front Church Road.
10. In contrast, the proposed house would be remote from these other properties, appearing as a standalone building in the street scene, inconsistent with the prevailing built form, and having a very different character and design. It would therefore be unduly prominent and have a significant impact on the open character of the street. Accordingly, I am not persuaded that these other developments add any significant weight in favour of the appeal proposal.

11. The submitted Arboricultural Report sets out that, despite a considerable incursion into the rooting zone, the proposed development would have no significant effect on the adjacent Elm to be retained, subject to specified mitigation relating principally to tree protection measures and arborist supervision during construction. Such measures could have been secured by condition had the appeal been allowed. I am therefore satisfied that the proposal makes adequate provision for the protection of the tree, which is an important feature of the character and appearance of the area. In this respect it would therefore be consistent with the relevant criteria of retained Policy QD16 of the Brighton and Hove Local Plan 2005 (BHLP).
12. Notwithstanding, I conclude overall that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with adopted Policy CP12 of the Brighton and Hove City Plan Part One 2015 (BHCP), which among other things seeks to ensure that new development would respect the urban grain and conserve or enhance the city's built heritage and its settings. It would also conflict with adopted Policy CP14 of the BHCP, which seeks to ensure that the density of development is appropriate to the positive character of the neighbourhood, including by helping to maintain or create a coherent townscape.
13. In light of my reasoning above, I further conclude that the proposed development would fail to preserve or enhance the character and appearance of the OHCA and the setting of the CCA, contrary to the expectations of the National Planning Policy Framework, and of adopted Policy CP15 of the BHCP and retained Policy HE6 of the BHLP, which together seek to conserve and enhance the city's historic environment, including conservation areas and their settings. However, I quantify the extent of the resulting harm as being less than substantial in the context of paragraphs 133 and 134 of the Framework. Such harm needs to be balanced against any public benefits the proposed development might bring.
14. I recognise that there would be a number of associated public benefits arising from the proposed development, including the provision of one house that has been designed to meet Lifetime Homes standards, a windfall contribution to housing land supply, and making more effective use of previously developed land. However, these benefits are modest in connection with one additional dwelling and are therefore significantly outweighed by the harm that I have identified to the character and appearance of the OHCA and the setting of the CCA, which is a matter of considerable importance and weight in respect of these designated heritage assets.

Living conditions

15. The new house would be closer to the rear elevation of the flats at No 77 than the garages proposed to be replaced. This, and the additional height of the dwelling, would result in reduced outlook from those residential units by virtue of the reduced depth of the amenity space at the rear and the height of the house. This would result in a more dominant and imposing relationship with No 77. The introduction of this new structure would significantly increase the enclosure of the lower flats, resulting in a dominating and oppressive relationship, materially harming the outlook for residents of those lower level properties. The impact on the uppermost accommodation at No 77 would not be significant as it would still be possible to look out over the flat roof of the

new house and so those properties would not be enclosed in the same way as the lower flats. Nonetheless, overall the proposed house would be oppressive in relation to No 77 as a result of its scale and proximity, and the adverse impacts arising in relation to outlook would therefore result in harm to the living conditions of occupants of No 77.

16. The appellant is of the view that there would be no significant adverse effects arising from light and overshadowing, and that this factor is closely related to outlook, thereby indicating that the effect on outlook would be similarly modest. I accept that the effect on light would not be significantly harmful to living conditions, and that there can be some relationship between outlook and light. However, for the reasons set out above, I am not persuaded that an absence of significant harm in relation to light reliably translates in respect of outlook in this case. Furthermore, the retention of some degree of outlook to either side of the new house would not be sufficient to outweigh my significant concerns in this matter.
17. I note that elements of the proposed design are intended to help protect the privacy of nearby occupants, such as the first floor lounge being set back from the rear window and the slatted panels proposed to screen the second floor windows. However, I consider that overlooking would still be possible from the rear of the house and the effect of this would be accentuated by the limited back-to-back distance between the proposed house and No 77. Furthermore, there could be no guarantee that the privacy panels would remain closed or in place. The proposal would therefore have a significant adverse impact on privacy, which would be harmful to the living conditions of the occupants of No 77.
18. However, the relationship between the front of the proposed house and the front elevation of the properties on the opposite side of Seafield Road would be more akin to front-to-front relationships seen elsewhere in the vicinity. The width of the street plus a small set back on either side is not uncharacteristic of the wider area or uncommon in a relatively dense urban context such as this. Therefore, while the proximity of the new house may be very perceptible to the opposite occupants, the effect on privacy would not be sufficient to amount to harm to those occupants' living conditions in this context.
19. Notwithstanding, for the reasons given above, I conclude that the proposed development would be harmful to the living conditions of nearby occupiers, with particular regard to privacy and outlook. It would therefore conflict with retained Policy QD27 of the BHLP, which seeks, among other things, to ensure that development would not cause material nuisance and loss of amenity to the proposed, existing and/or adjacent occupiers.

Conclusion

20. For the reasons given above, and having regard to all matters raised, I conclude the appeal should be dismissed.

Catherine Jack

INSPECTOR

Appeal Decision

Site visit made on 4 January 2017

by **David Cliff BA Hons MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: **APP/Q1445/W/16/3158469** **148a Preston Drove, Brighton BN1 6FJ**

- 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 Mark Cooper against Brighton & Hove City Council.
 - The application Ref BH2016/01940, is dated 23 May 2016.
 - The development proposed is demolition of existing dilapidated garage buildings and addition of a four bedroomed family dwelling.
-

Decision

1. The appeal is dismissed.

Main issues

2. In its appeal statement the Council sets out what its reasons for refusal would have been had it been in a position to determine the application. These relate to the proposal's adverse impact on the character and appearance of the Preston Park Conservation Area and the effect of its scale and massing on neighbouring living conditions.
3. The main issues are therefore (i) whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area and (ii) its effect on the living conditions of the occupiers of neighbouring properties with particular regard to outlook for the occupiers of 111 Stanford Avenue.

Reasons

Preston Park Conservation Area

4. The site comprises several single storey buildings in generally poor condition. It forms a triangular shaped parcel of land located to the rear of residential properties which front on to Stanford Avenue and Edburton Avenue, and to the rear of mixed commercial/residential properties which front on to Preston Drove. The residential properties surrounding the site have generally small rear gardens.
 5. Whilst the existing site is predominantly open, the existing buildings do not make a positive contribution to the character or appearance of the Conservation Area, although their low profile means that they do not appear as particularly obtrusive in views of the site from surrounding properties. The
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Council's statement notes that any dwelling on the site should be suitably subservient in scale and deferential in appearance to the historic housing that surrounds the site. Taking account of my observations at my site visit, I broadly concur with this assessment taking into consider the tight constraints of the site resulting from its location to the rear of existing properties on all three sides.

6. The proposed dwelling would be part single storey and part two storeys and it would be of a contemporary appearance. The proposed finished floor level of the development would be lower than the existing ground level. The limited height of the single storey parts of the development would result in them being unobtrusive from surrounding properties. The two storey element would adjoin the northern boundary of the site to the rear of the existing properties on Preston Drove.
7. Despite the finished floor level of the development being lower than the existing ground level, the two storey element of the development would be substantially higher than the existing buildings. Whilst inset on either side, it would also be of a considerable width and massing. The proposed elevation plans show that part of it would be higher than the first floor window sill levels of the adjacent properties on Preston Drove and higher than the eaves levels of properties on Edburton Avenue. The central section of the two storey element contain a large expanse of glazing and protruding above the two storey sections on either side, would appear as particularly prominent and at odds with the traditional design and appearance of surrounding buildings. Located to the rear of existing buildings, I consider that the two storey element, by reason of its size, massing and appearance, would appear as unacceptably intrusive and incongruous in views of the site from surrounding properties.
8. Although the development would not be visible from surrounding roads and public vantage points, it would be seen (the two storey element in particular) from the rear of a good number of residential properties. The site therefore has a collective public value in this context. Given the existing appearance of the site, an appropriate development proposal has the potential to enhance the character and appearance of the Conservation Area. However, for the reasons outlined above, I consider that the design of this appeal proposal would result in visual harm to this part of the Conservation Area.
9. Whilst the existing boundary treatments would be replaced by more attractive lower louvered fencing, this benefit would not outweigh the harm I have found to result from the first floor element of the proposed development.
10. I conclude on this issue, that the proposed development would not preserve or enhance the character or appearance of the Preston Park Conservation Area. It would be contrary to the relevant design and heritage aims of retained policy HE6 of the Brighton and Hove Local Plan 2005.
11. In the context of paragraph 134 of the National Planning Policy Framework, the proposal would cause *less than substantial* harm to the significance of the designated heritage asset affected. However, I must attach considerable importance and weight to that harm which I find would not be outweighed by any public benefits, including the modest benefit of one new family dwelling towards the local housing supply.

Living conditions

12. The Council's primary concern in this regard centres on the outlook of the occupiers of 111 Stanford Avenue. Whilst the first floor element of the proposed development has been set back from the boundary, it would still be close to the boundary with 111 Stanford Avenue. Even with the lower finished floor level, the first floor flank wall of the development would raise substantially above the existing boundary fence. Given its proximity to the rear ground floor windows and rear garden area of No. 111, I consider that it would appear as unacceptably overbearing in the outlook for the occupiers.
13. The appellant has drawn my attention to other development that has recently taken place in the area, including at 7 Semley Road. However, I am not aware of the particular circumstances justifying the approval of that scheme and, in any case, I have to consider the current appeal proposal on its own merits. The approval of other schemes in the area by the Council does not outweigh the harm I have found to result from this appeal proposal.
14. The Council has also raised concerns regarding the visual dominance of the glazed part of the building. Whilst I have concerns in this regard in terms of how this would be viewed in the context of the Conservation Area, I do not consider that its relationship with neighbouring properties is such to result in unreasonable impacts upon living conditions.
15. In conclusion on this issue, the proposed development would result in significant harm to the living conditions of the occupiers of 111 Stanford Avenue, contrary to the relevant amenity aims of policy QD27 of the Brighton and Hove Local Plan.

Other matters

16. The appellant refers to concerns regarding the Council's delivery of housing, including the speed of delivery. In this context the proposal would provide for a new family sized dwelling. However, this would represent only a very modest contribution to the overall supply of housing, the benefits of which would be outweighed by the harm I have identified.
17. I note the sustainability credentials included within the design of the proposal. Such measures are supported by planning policies but do not override the need to also comply with other relevant policies, in this case regarding the effect upon the character or appearance of the Conservation Area and the need to safeguard neighbouring living conditions.
18. The appellant also refers to security benefits from the proposal that would arise from the development of the site. However, there is no persuasive evidence before me of any existing security issues and I have given this potential benefit only minimal weight.

Conclusion

19. For the above reasons, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

Appeal Decision

Site visit made on 17 January 2017

by **David Hogger BA MSc MRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: APP/Q1445/D/16/3161307

29 Rosebery Avenue, Woodingdean, Brighton, East Sussex BN2 6DE

- 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 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Josie Hammond against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05177, dated 26 August 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the demolition of the existing conservatory and garage and the erection of a 5.0m x 6.0m single storey rear extension, constructed from matching part rendered brickwork.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. I have determined the appeal on that basis and can confirm that I saw the site from the host property and the two adjacent dwellings.
3. The appellant states that the requirement of sub-section A.4(6) of the Order, with regard to sending the developer a copy of the Notice to adjoining neighbours advising them about the proposal, has not been met. I consider this to be an administrative matter for the Council, which in these circumstances does not have material consequences because it is clear who the most likely parties to be affected by the proposal would be (i.e. the two neighbours). There is no impediment, which I am aware of, to consultation between the appellant and the neighbours.

Reasons

4. The main issue is the effect of the proposed development on the living conditions of neighbours at 27 Rosebery Avenue, particularly in terms of outlook and increased sense of enclosure.
5. The host dwelling enjoys an existing extension in the form of a glazed conservatory, together with a detached single garage – both of which it is proposed to demolish. The proposed single storey extension would be on the footprint of the conservatory but according to the appellant it would have a maximum height of about 2.8m and extend to about 6.0m in depth, which is significantly deeper than the existing structure. I am told that the side wall of the extension would be about 250mm inside the boundary with No 27.
6. Although the existing conservatory has a ridge that is higher than the proposed extension (which would be flat roofed) and is fully glazed, I consider that the depth of the proposed development and its proximity to the adjoining dwelling, would result in an extension that would be overbearing and would significantly increase the sense of enclosure experienced by the occupants of No 27. This deterioration in living conditions would be experienced both from within the kitchen/diner (which has a window very close to the side boundary) and from the rear garden, particularly in the area closest to the dwelling. Although it is not a matter on which my decision has turned, I consider that the detrimental consequences of the proposal would be exacerbated by the change in ground level – which slopes down towards the south.
7. In terms of the impact on the neighbours at No 31 I am satisfied that the distance between that property (and its garden) and the proposed development, together with the boundary treatment, is sufficient to ensure that there would be no significant loss of privacy or overlooking. The appellant has confirmed that a replacement fence along this boundary could be provided to further allay the fears of the neighbour. Such provision could be secured through the imposition of an appropriate condition if necessary. This neighbour also raises the issue of asbestos but that is a matter which would have to be addressed through other channels.
8. The Council refers to policies QD14 and QD27 of the Brighton and Hove Local Plan. These seek to protect the living conditions of residents. For the reasons given above this proposal does not meet the policy requirements.
9. I acknowledge that the neighbours at No 27 have not submitted an objection and that the proposed materials to be used would match those in the existing dwelling. However, neither of these factors outweigh my overall conclusion which is that, for the reasons given above, the appeal should be dismissed.

David Hogger

Inspector

Appeal Decision

Site visit made on 10 January 2017

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: 26th January 2017

Appeal Ref: APP/Q1445/W/16/3155312

Flat 1, 63 The Drive, Hove, Brighton & Hove, BN3 3PF

- 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 Dan Fox against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00225, dated 22 January 2016, was refused by notice dated 20 May 2016.
 - The development proposed is conversion of two bedroom flat into two 1-bedroom flats.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the provision of living accommodation within the local authority area.

Reasons

3. The appeal building comprises No 63 The Drive, Hove; a semi-detached Grade II listed building subdivided into flats. Flat 1, which is principally located within the basement level, is currently occupied as a two bedroom flat, as I saw during my site inspection. The appeal scheme seeks the subdivision of this flat to create two one bedroom flats. Listed building consent has already been approved for the internal works, as set out in Appendix 1 of the appellant's Appeal Statement.
4. Policy HO9 of the *Brighton and Hove Local Plan* (BHLP) indicates that conversions will be granted when a number of criteria are met. In this case, the Council assert that criteria *a) the original floor area being greater than 115sqm* and *b) at least one unit of accommodation is suitable for family occupation and has a minimum of two bedrooms*¹ have not been met. In their view, the proposal would therefore fail to accord with the requirements of Policy HO9.
5. In terms of criterion a) the appellant asserts that the floor area, which was measured using CAD software, is about 128sqm. The LPA indicated at the application stage that they considered the floor area was roughly 112sqm. Upon a further request of information from the Inspectorate, the Council's figures changed so that when totalled, the figure came out at approximately

¹ These are summarised, for the full Policy text see the policy.

106sqm². It is unclear as to how the LPA came to its original figure as no method of how this was attained is given within the delegated report. In the absence of such sums from the Council, the assurance of the appellant's agent that the figures derive from the electronic drawings, and following my site visit, I am satisfied that the figure of roughly 128sqm is a reasonable one on which to consider the appeal scheme on. As such, the proposal would meet criterion a) of Policy HO9.

6. In terms of HO9 criterion b), the proposal would result in the loss of a two bedroom dwelling, through its conversion to 2, one bedroom dwellings. Policy HO9, and its supporting text, clearly indicates that the Council has identified a high level of demand for smaller dwellings suitable for family accommodation and that it is important to retain this stock. Clearly, the conversion of the building in this case to 2, one bedroom units will reduce the availability of this type of dwelling to those requiring more than one bedroom, including families with children, for example. The proposal would therefore result in the loss of a smaller family dwelling, albeit limited to one unit.
7. I acknowledge the appellant's point that, in their view, the Council is unable to demonstrate a five year supply of deliverable housing land. However, it is clear to me that irrespective of whether the Council is or is not able to demonstrate such a factor or if a supply is not present, the loss of the two bedroom flat in this case would have an adverse impact on housing land supply within an area specifically identified as needing dwellings of this size. Not only would the proposal appear to be contrary to this aspect of the Policy, but it would seek to undermine the Council's overarching ambition to ensure that there is the right level of housing, of the right type, in the right place at the right time. Although I accept that this is limited by the scope of the proposal resulting in the loss of 1 two bedroom dwelling, I do not find that this provides justification for overcoming the conflict with the adopted development plan.
8. The appellant has also directed me to Part i) of Policy HO9, which indicates that the requirement set out in b) will not apply when '*a different mix of units is essential to preserve the character of a listed building*'. I do not find that the provision of 2 one bedroom flats is 'essential', given my considerations above, including the need to retain suitable family occupation smaller dwellings. Clearly the existing use of the dwelling as a single two bedroom flat demonstrates that it can be used for such a use. When these factors are taken into account, I do not find that the mix of units is essential to preserve the character of the listed building.
9. I therefore conclude that the proposed development would have a materially harmful impact on the provision of living accommodation within the local authority area. Accordingly it would conflict with Policy HO9 of the BHLF, which amongst other aims, seeks to retain accommodation that is suitable for family occupation and has a minimum of two bedrooms when dwellings are converted into smaller units.

Other Matters

10. The officer report indicates that the proposal would result in less than substantial harm to the significance of the listed building due to the changes

² See email dated 13 January 2017 giving floor area figures of 28.79, 11.59, 10.89, 38.21, 4.98 and 11.93 roughly equating to 106.4sqm.

introduced by the blocking up of the corridor. I am fully aware of the provisions of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, and the statutory duty it places upon decision-makers regarding listed buildings at Section 66(1) in terms of having special regard to the desirability of preserving the building, its setting or any features of special architectural or historical interest.

11. I also note that listed building consent for the internal works has already been approved by the local planning authority, so it does appear slightly strange that 'less than substantial harm' has been identified by the Council as a concern here. Nevertheless, as I have found that the proposal would clearly conflict with Policy HO9 of the adopted development plan, and no material considerations indicate a decision otherwise, I have not considered this matter further.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

Appeal Decision

Site visit made on 17 January 2017

by David Hogger BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2017

Appeal Ref: APP/Q1445/D/16/3165096

81 Dean Court Road, Rottingdean, Brighton BN2 7DL

- 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 and Mrs Steve Barnes against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05190, dated 2 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is described as the erection of a detached pitched roof garage with home gymnasium.
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Decision

1. The appeal is allowed and planning permission is granted for three rooflights, a third side window in the south-east elevation and a door to the front of the garage with home gymnasium, at 81 Dean Court Road, Rottingdean, Brighton BN2 7DL in accordance with the terms of the application Ref BH2016/05190 dated 2 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 1332014/01 RevA;
 - 2) No extension, enlargement or alteration to the garage with home gymnasium, as provided for within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, 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.
 - 3) The garage with home gymnasium shall only be used for purposes incidental to the main dwelling.

Preliminary Matter

2. I saw on my visit that the external construction work has already been undertaken and I understand that the enlargement of the garage and the installation of the pitched roof were approved under an earlier permission (BH2014/02968). The Council, in the Officer's Report, confirms that the application subject to this appeal is to 'regularise' the rooflights, the third side window and the 'front' door. In these circumstances I have described the

proposed development as being those parts of the scheme that currently do not have the benefit of planning permission (but which have been constructed) – namely the front rooflight, the two side rooflights, the third window in the side elevation, and the door to the front.

3. As referred to above, planning permission has already been granted for the extension to the garage, the replacement of a flat roof with a pitched roof, and two windows and a door in the side elevation. In the Officer's Report, at the time permission for that development was considered, it is stated that 'the building would not result in an unacceptably dominant building in this location'; and that because of changes in levels the proposed development would 'appear subordinate' to both the host property and No 2 Welesmere Road. Finally the Officer concludes that the proposal 'would not significantly harm the visual amenity of the street scene'. I agree with those conclusions and have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the development (as described in paragraph 2 above) on the character of the local street scene.

Reasons

5. There is a range of dwelling styles and sizes in the area but most of them are two storey in height and comparatively large. In comparison the outbuilding is single storey in height and from Welesmere Road (onto which it fronts) the inclusion of the double garage doors clearly indicates that this is an ancillary building. The ancillary nature of the building is further emphasised by the fact that what the Council describes as a 'front door' is not directly accessed from the driveway but is located behind the boundary wall of the house, giving it the appearance of being primarily accessed from the garden of the house.
6. In terms of the rooflights and the third side window, because of their size, design and siting, they do not significantly change the appearance of the building as already permitted and do not introduce detrimental visual elements into the street scene.
7. Because of its size and design the building appears as ancillary to the host property and not as a separate dwelling. In any event fears that the building could be used as a separate unit of accommodation can be assuaged by the imposition of appropriate conditions to ensure that the building does not become an independent residential unit. An approach that is accepted by the appellant.
8. Saved policy QD14 of the Brighton and Hove Local Plan requires new development to be well designed and sited, taking into account the character of the area. Supplementary Planning Document 12: Design Guide for Extensions and Alterations, implies that detached outbuildings that have a 'cluttering and visually harmful effect on a neighbourhood' should be avoided. For the reasons given above I am satisfied that the development is in accordance with the Council's policies.

Conditions and Conclusion

9. The Council has requested conditions firstly requiring the external materials to be used to match those in the existing building and secondly that development

should be undertaken in accordance with the approved plans. In terms of materials, the works that are subject to this appeal have already been completed and therefore the 'materials' condition is not necessary. Although it appears that the external works have been completed in accordance with the submitted plan, in order to provide certainty that the development is acceptable in planning terms, the imposition of the Council's second suggested condition is justified.

10. The Council has suggested two other conditions restricting further changes to the building without planning permission and requiring the building only to be used in connection with the host dwelling. These are necessary to ensure that the living conditions of nearby residents are protected and to prevent harm to the character and appearance of the street scene. They meet the tests set out in paragraph 206 of the National Planning Policy Framework and I impose them accordingly.
11. For the reasons given above the appeal should be allowed.

David Hogger

Inspector

Appeal Decision

Site visit made on 26 January 2017

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th February 2017

Appeal Ref: APP/Q1445/D/16/3162401

1 Cranmer Avenue, Hove, East Sussex, BN3 7JP.

- 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 Melanie Newnam against the decision of Brighton & Hove City Council.
 - The application ref: BH2016/05198, dated 26 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is one storey rear and two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the two storey side extension upon the character and appearance of the host building and that of the surrounding area.

Reasons

3. The subject property forms one of a pair of inter-war, semi-detached houses, being prominently sited at the junction of Cranmer Avenue and Weald Avenue. The plot is wedge-shaped, tapering towards the rear.
4. The new extension has been carefully designed to mimic the fenestration of the host building and to create a lean-to roof above the two storey element, which would continue the slope of the barn end feature to the main roof in matching materials.
5. The front elevation of the extension would be set back, while its overall width would be half that of the existing front elevation. As such, the scheme would remain subservient to the original dwelling as required by paragraph 3.2 of the Council's adopted SPD¹.
6. For these reasons I have concluded that the proposal will not have an adverse impact upon the character or appearance of the host building.

¹ Supplementary Planning Document 12 – Design Guide for Extensions and Alterations: June 2013.

7. Notwithstanding my comments above, the plot is restricted in width adjacent to the rearmost portion of the two storey element of the extension. As a result, the full height of its flank elevation would be highly visible in the street scene and would project beyond the return frontage established by the properties to the south at nos. 203 and 226 Old Shoreham Road.
8. The two storey side extension would extend above the existing flank boundary to no. 1. As such, it would appear as a disproportionate and over-dominant feature as viewed from both Cranmer Avenue and, in particular, Weald Avenue towards the rear building line of the dwelling.
9. For these reasons, I find upon the main issue that the siting of the two storey extension closely abutting the return frontage to Weald Avenue would have an unacceptable impact upon the character and appearance of the surrounding area. Accordingly, development as proposed would be contrary to Policy QD14 a. and c. of the Council's adopted City Plan² and would not integrate into the established built environment, contrary to paragraph 61 of the Framework³.
10. In arriving at my decision I have taken account of the presumption in favour of sustainable development as set out at Policy SS1 of the City Plan. However, I have concluded that the dominant impact of the flank elevation where it abuts the site boundary would significantly and demonstrably outweigh the benefits of permitting this particular proposal.

Conclusion

11. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR

² Brighton & Hove City Plan Part One: March 2016.

³ The National Planning Policy Framework.

Appeal Decision

Site visit made on 19 December 2016

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/Q1445/W/16/3157692 5 Godwin Road, Hove BN3 7FQ

- 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 B Zanjani against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01397, dated 21 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is described on the application form as 'construction of 1 no. two storey, two bedroom, detached dwelling to the east of 5 Godwin Road'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - 1) the effect of the proposal on the character and appearance of the surrounding area, and
 - 2) whether or not the proposal would result in acceptable living conditions for the occupants of No 5 Godwin Road with particular reference to enclosure, natural light and privacy.

Procedural Matter

3. Application Ref BH2016/01397 follows unsuccessful application Ref BH2015/04239 which was similarly for the erection of a dwelling, albeit of different design. Although the main parties have commented on the proposal to which this appeal relates with reference to its predecessor, for the avoidance of doubt I have determined this appeal on the basis of the scheme before me.

Reasons

Character and appearance

4. No 5 is a modest two storey property of understated design set on a cul-de-sac spur of Godwin Road. It typifies the prevailing form and design of nearby properties: uniformly mid-century dwellings regularly arranged along a broadly consistent building line facing carriageways. As the appeal site is within an established residential area, there is nothing before me to indicate that residential development would be unacceptable in this location in principle.
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5. Although there is some variety in the spacing between properties and their situation relative to carriageways in the immediate vicinity of the appeal site, the prevailing design and arrangement of dwellings in the wider area is rigidly uniform. Alongside the common origins of properties, this results in an ordered and harmonious character and appearance to the area.
6. Somewhat atypically of the prevailing layout, No 5 falls on a circular close and occupies an irregularly shaped corner plot such that the majority of its garden falls to the side and front of the property rather than to the rear as is more commonplace. The proposal is to erect a dwelling within the side and front garden of No 5, which is in the main hard-surfaced and I understand presently used primarily for parking.
7. Policy CP12 'Urban Design' of the Brighton & Hove City Plan Part One adopted on 24 March 2016 (the 'City Plan'), sets out various requirements as to how new development should integrate appropriately with the character of its surroundings. Considered in this context, the scale and design of the dwelling proposed would not inherently be out of keeping with those nearby.
8. However the dwelling proposed would be significantly set forward of the line of the principal elevation of No 5, which is an incongruous arrangement compared to the prevailing layout of properties nearby. Moreover its principal elevation would be at a right-angle to that of No 5 which is an inter-relationship which atypical of the pattern of properties within the surrounding area.
9. Consequently the proposed siting of the dwelling within its plot relative to No 5 would in my view appear jarring and incongruous. The proposal would furthermore appear out-of-keeping by being set far closer to the common boundaries of neighbouring properties than is the prevailing arrangement of properties of the area, resulting in an uncharacteristic level of density.
10. I acknowledge that there are relatively few properties served by this particular spur of Godwin Road and that a number of evergreen trees are present which impede direct views of the appeal site from certain directions. Nevertheless I observed during my site visit that the dwelling proposed would be clearly visible from various vantage points nearby, including from near the junction of Godwin Road and Bellingham Crescent above the boundary features of properties and their garages here.
11. Therefore whilst I recognise that the proposal has been designed to respond to the confines of the appeal site, I conclude that it would have an adverse effect on the generally consistent character and appearance of the area in conflict with the relevant provisions of policy CP12 of the City Plan.

Living conditions

12. Saved policy QD27 'Protection of amenity' of the Brighton & Hove Local Plan adopted originally in 2005 (the 'Local Plan') prevents development that would result in the loss of amenity to the occupiers of properties. Whilst of some vintage this policy accords with the encouragement given within the National Planning Policy Framework (the 'Framework') to seeking to secure a good standard of amenity for all existing and future occupants of buildings, and can therefore be accorded due weight.¹

¹ With reference to the approach in paragraph 215 of the Framework.

13. As set out above the proposal would result in a new dwelling set close to No 5 which would represent an uncharacteristic level of density. In my view this, and as the principal elevation of the dwelling proposed would be perpendicular to that of No 5, would result in an undue sense of enclosure and reduction in outlook for the occupants of No 5 particularly with reference to the surrounding inter-relationship of properties.
14. In my view this would be particularly acute from around the front door of No 5, clearly a regularly frequented area of the property. Consequently, and as the dwelling proposed would fall broadly to the east of No 5, there is also some potential for overshadowing of No 5 and the area immediately around it to the detriment of the living conditions of its occupants.
15. Whilst I accept that there is a degree of overlooking of the front gardens of properties in the area, I have set out above how the perpendicular arrangement of the dwelling would be incongruous. Windows at ground and first and floor level of the proposed dwelling would therefore face at an oblique angle and at close proximity windows thus located within No 5. In my view this would lead to a reciprocal reduction in privacy to the detriment of the occupants of both properties to a degree which is unacceptable.
16. For the above reasons I therefore conclude that the proposal would result in unacceptable living conditions for the occupants of No 5 Godwin Road with particular reference to enclosure, natural light and privacy. Accordingly the proposal does not accord with the relevant provisions of policy QD27 of the Local Plan or relevant elements of the Framework.

Other Matters

17. I acknowledge that the proposal would have some benefits in resulting in an additional dwelling in an established residential area, and indeed in entailing some social and economic benefits in supporting employment during construction and as future occupants would make use of nearby services and facilities. However such benefits would be modest in respect of one dwelling.
18. Whilst it may be possible to mitigate certain effects of the proposal via condition, for example securing additional boundary screening, such mitigation would only partially reduce the effect of the proposal and not in my view to an extent that would render the proposal acceptable (particularly given that this would have the potential to exacerbate a sense of enclosure).
19. The appellant explains that the appeal site is at present 'underused and of little benefit to the existing host property'. Whilst I accept this may be the case, this does not serve to justify unacceptable development or indicates that the side and front garden of the property would similarly be of limited value to any future occupant of No 5.
20. I also acknowledge that it may be possible to erect a side extension in this location, potentially without the need for specific planning consent. However there is no definitive information before me as to the scale that such an extension could be, and moreover were such an extension to be created the extension would be associated with No 5 and thus the adverse impacts in respect of privacy identified above would not arise.
21. I also acknowledge that the Council do not object to the proposal in respect of highways effects or energy efficiency. However that no adverse effects would

result in these respects does not weigh positively in favour of the proposal. Consequently neither these matters, nor any other, are sufficient to outweigh my findings on the main issues in this case.

Conclusion

22. I therefore conclude that the proposal conflicts with the development plan taken as a whole and with the approach in the Framework, and that no material considerations outweigh the harm arising from this conflict. Accordingly, and having taken into account all other matters raised, I dismiss the appeal.

Thomas Bristow

INSPECTOR

Appeal Decision

Site visit made on 20 December 2016

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 January 2017

Appeal Ref: APP/Q1445/W/16/3158279 39 Old Shoreham Road, Brighton BN1 5DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Clapham Properties (Brighton) Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/01934 is dated 25 May 2016.
 - The development proposed is described on the application form as to 'remove existing single/two storey side extension and replace with a new two storey extension in order to facilitate conversion of the building from a single dwelling house to 6 flats'.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The appeal is against the Council's failure to determine application Ref BH2016/01934 within the relevant statutory period. However the Council have explained at appeal that, had they been in a position to do so, they would have refused permission for the development proposed for. Consequently on the basis of the information before me the main issues in this case are:
 - 1) the effect of the proposal on the character and appearance of the area, and
 - 2) whether or not the proposal makes appropriate provision for affordable housing.

Reasons

Character and appearance

3. No 39 is a grand three-storey double-fronted end of terrace property within an area of Brighton where properties share common historic origins. Although the urban grain is more mixed in the wider area, properties to the south of Old Shoreham Road in the immediate vicinity of the appeal site are typically large semi-detached and terraced properties commonly featuring intricate architectural detailing.
-

4. The topography steps down from Old Shoreham Road towards the south such that the lower ground floor of No 39 leads out level with its rear garden. The property currently features a modest two storey side extension which abuts the common plot boundary with No 41, and which therefore consequently appears only as a single storey as viewed from the carriageway. Although there is no definitive information before me as to the origins of this extension, the presence of a timber sash window and the brick construction used indicates that it has been present for some considerable time.
5. Whilst there is some variety in their width, the spaces between properties to the south of Old Shoreham Road lend a consistent rhythm to the streetscene and clearly set properties apart from one another. Whilst several properties have been extended to the side,¹ it appeared to me that these extensions are likely chiefly historic features of the area rather than recent additions. Moreover such extensions are generally limited in width relative to their host properties and set back substantially from the line of the principal elevations thereof, features which limit their prominence.
6. Policy CP12 'Urban Design' of the Brighton & Hove City Plan Part One adopted on 24 March 2016 (the 'City Plan'), briefly stated, sets out various requirements as to how development should integrate appropriately with its surroundings, including in respect of the urban grain of an area. Similarly saved policy QD14 'Extensions and alterations' of the Brighton & Hove Local Plan adopted originally in 2005 (the 'Local Plan') requires that residential extensions are designed appropriately with reference to the character of adjoining properties.
7. The Councils' Design guide for extensions and alterations supplementary planning document, adopted on 20 June 2013 (the 'SPD'), provides guidance as to how such development should integrate with its surroundings, including in respect of proportions and detailing. It establishes as a benchmark that 'a minimum 1m gap should be left between the site boundary and extension' where a two storey extension is proposed, having acknowledged that a 'sense of space and separation' may be important to the rhythm of a street.
8. The National Planning Policy Framework (the 'Framework') sets out that planning should always seek to secure high quality design, and that it is proper to seek to reinforce local distinctiveness. The Planning Practice Guidance (the 'Guidance') further explains that the design of proposals should ensure that new and existing buildings relate well to each other based on an understanding of the prevailing pattern of development.²
9. Therefore whilst saved policy QD14 of the Local Plan is of some vintage, it is nevertheless consistent with the approach in the Framework and the Guidance. Consequently I accord substantial weight to it in this decision.³ Notwithstanding that it does not form part of the development plan, the approach in the SPD as to how development can be appropriately designed with regard to its surroundings appears to be similarly in line with that of the Framework and the Guidance. Accordingly I accord the SPD substantive weight.

¹ Including Nos 43, 51 and 55 Old Shoreham Road.

² In particular reference ID: 26-024-20140306.

³ With reference to paragraph 215 of the Framework.

10. The proposal is to demolish the existing two storey side extension and to replace it with a significantly larger three storey extension which would similarly extend to the common plot boundary with neighbouring No 41.⁴ Various design features of No 39 would be emulated within the extension, including brick arches over windows and accentuated quoins and string courses.
11. However some of the finer detailing currently present around certain windows of No 39, notably lintels with decorative keystones, would not be replicated. Moreover the wall-to-window ratio of the proposed extension would be greater than that of the main element of No 39 at present. Collectively the design of the proposal would therefore be incongruous with that of the host property. I cannot, as the appellant has suggested, address this issue through the imposition of an associated condition as to do so would be to render the development substantially different to that which has been proposed in conflict with the approach in the Guidance.⁵
12. The extension proposed would be set back approximately 1.4 metres from the line of the principal elevation of the main element of No 39, reach a maximum height approximately 1.6 metres lower than that of the main ridgeline of the property, and be lesser in width than half that of the existing property. Thus the extension would have a degree of subservience to the host property.⁶
13. Nevertheless the extension would extend approximately 3.5 metres forward of the existing side extension and reach a maximum height approximately 3.5 metres higher than that of the existing roof thereof. Thus it would result in a substantial increase in bulk to the existing property and would be set hard-up against the common plot boundary with neighbouring No 41, notwithstanding that No 41 is set on a slightly higher ground level and is larger in overall scale.
14. In my view given this substantial increase in scale and bulk of the proposal compared to the existing side extension, the proposal would significantly enclose the space between Nos 39 and 41 Old Shoreham Road. As explained above this space is valuable in establishing a consistent rhythm to the streetscene in the area immediately around the appeal site.
15. In both scale and proximity to the principal elevation of No 39 the proposal would furthermore be jarringly out-of-keeping with the prevailing form of side extensions where present in the area, a relationship which would be exacerbated by the difference in design of the extension compared with that of No 39 as described above. Moreover given that the side extension to No 39 and others nearby are in my view likely to be historic features of the area, their presence does not serve to justify unacceptable development in the present.

⁴ I note here that the changing topography from Old Shoreham Road to the rear of No 39 accounts for the description of the extension proposed as two-storey by the appellant, whereas in actuality it would comprise three storeys of accommodation and I have therefore referred to it as such.

⁵ Reference ID: 21a-012-20140306.

⁶ Figures in paragraph 2.01 of the appellant's appeal statement, notwithstanding that in final comments submitted at appeal the maximum height of the roof of the extension proposed is given as 1.3 metres lower than that of the main ridgeline of the property.

16. For the above reasons I therefore conclude that the proposal would result in a significant detrimental effect to the character and appearance of the area, thereby conflicting with the relevant provisions of policy CP12 of the City Plan, policy QD14 of the Local Plan, and with relevant elements of the SPD, the Framework and the Guidance.

Affordable housing

17. Policy CP20 'Affordable Housing' of the City Plan, briefly stated, establishes that for development of between 5 and 9 (net) new dwellings the Council will seek to require a contribution towards affordable housing provision amounting to 20 per cent of the units proposed. No contribution towards affordable housing provision is made as part of the proposal to which this appeal relates.

18. However the adoption of the Local Plan on 24 March 2016 pre-dates changes to the Guidance as to where such contributions may be sought.⁷ These changes were made pursuant to the Court of Appeal judgement handed down on 11 May 2016 in Secretary of State for Communities and Local Government v West Berkshire District Council & Anor.⁸ This judgement gave legal effect to the Ministerial statement of 28 November 2014,⁹ which was not in force at the time the Council adopted the City Plan.

19. The Guidance sets out that contributions for affordable housing should not be sought from developments of 10-units or less. It indicates that a lower threshold may be set in designated rural areas, however there is no flexibility therein in respect of other areas. The Ministerial Statement explains that this approach has been arrived at given the 'disproportionate burden of developer contributions on small scale developers'.

20. The Council's approach in policy CP20 of the City Plan is explained in supporting paragraph 4.217 thereof as resulting from a pressing need for affordable housing. The Council have further explained at appeal that they are of the view that policy CP20 continues to have currency for this reason, given the constraints on housing land supply, and as a significant proportion of housing delivery in Brighton & Hove results from small-scale sites. These are clearly important dynamics in respect of housing delivery within the Council's administrative area, and it is therefore appropriate to accord the approach in policy CP20 significant weight.

21. However, as set out above, policy CP20 of the City Plan is inconsistent with the most recent position set by the Government in this respect, a position which does not allow flexibility for urban areas and is clearly premised on the disproportionate burden that requiring contributions for affordable housing in respect of small-scale sites entails. Whilst the statutory basis of decision-taking is that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise, in this context I cannot conclude other than that the Guidance and policy within the Ministerial Statement referred to above carry more weight than that of policy CP20 of the City Plan.¹⁰

⁷ Reference ID:23b-031-20160519.

⁸ EWCA Civ 441.

⁹ Official record Ref HCWS50.

¹⁰ A finding consistent with that of the inspector in appeal Ref APP/Q1445/W/16/3152366 which has been brought to my attention by the appellant.

22. Accordingly I conclude that the absence of a financial contribution towards affordable housing provision in connection with the proposal is not unacceptable. Nevertheless that the proposal is not unacceptable in this respect is essentially a neutral factor in the overall planning balance rather than one which serves to outweighs the harm that I have identified would result in respect of the first main issue.

Other Matters

23. Saved policy HO9 'Residential conversions and the retention of smaller dwellings' of the Local Plan accords support in principle to the conversion of dwellings into smaller self-contained accommodation. The Council therefore do not object in principle to the use proposed in this context, nor with regard to the provisions of policy CP1 'Housing Delivery' of the City Plan which seeks to focus new housing development within accessible areas of the City.
24. The proposal would result in 5 additional homes, re-use previously developed land, and entail some economic and social benefits in supporting employment during construction and as future occupants would make use of nearby services and facilities. I also accept, subject to associated conditions, that the proposal would result in no unacceptable effects in respect of transport matters or energy efficiency (or indeed in other respects).
25. However whilst the development plan and the Framework are supportive of new housing and social and economic benefits of development in general terms, both are clear that this should not be at the expense of securing good design. I would note in this context that there is no robust evidence before me to indicate that the scheme proposed is the only way of securing such benefits, which further reinforces my view that I can give such benefits only moderate weight.¹¹
26. It appears not to be disputed that the Council are presently able to demonstrate a five year land supply of deliverable housing sites, with reference to the approach in paragraphs 49 of the Framework. Indeed, and for the avoidance of doubt, there is no information before me in respect of this matter.
27. However for the sake of clarity even were the Council unable to demonstrate a five year land supply, the adverse effects of the proposal would in my view significantly and demonstrably outweigh the benefits for the reasons given above. Consequently neither the benefits of the proposal, nor any other matter, are sufficient to outweigh or alter the considerations that have led to my conclusion in respect of the main issues in this appeal.

Conclusion

28. For the above reasons, and having taken all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the

¹¹ In particular the appellant has clarified in paragraph 3.01 of his appeal statement that permission has been granted, although not implemented, for a three storey rear extension and dormer which would provide for significant additional floorspace.

approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR