



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	12 July 2017
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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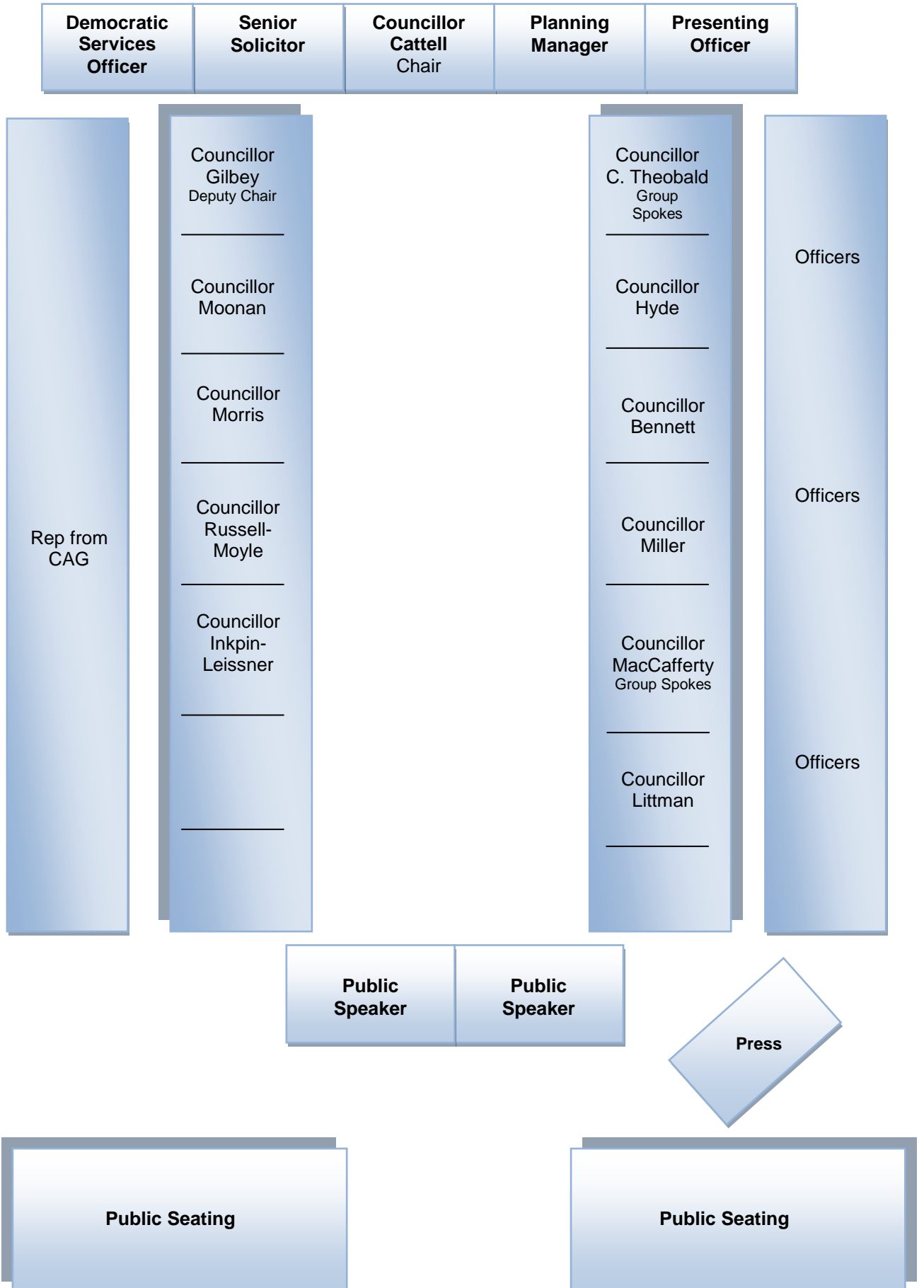
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Democratic Services: Planning Committee



AGENDA

13 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

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

PLANNING COMMITTEE

14 MINUTES OF THE MEETING HELD ON 10 MAY 2017

Minutes of the meeting held on 10 May 2017 (circulated separately)

15 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 21 June 2017 (circulated separately).

16 CHAIR'S COMMUNICATIONS

17 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 5 July 2017.

18 PLANNING ENFORCEMENT ANNUAL REPORT 2016/17

1 - 6

Report of the Principal Planning Enforcement Officer (copy attached)
Ward Affected: All Wards

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

20 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 BH2016/02535-Westerman Complex, School Road, Hove - Full Planning

7 - 42

Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale.

RECOMMENDATION - MINDED TO GRANT

Ward Affected: Wish

B BH2016/06478-The Coach House, 1-6 Lions Gardens, Withdean Avenue, Brighton -Full Planning

43 - 80

Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Withdean

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MINOR APPLICATIONS

- C BH2017/00750-Land to Rear 2-8 Rowan Close, Portslade - Full Planning 81 - 96**
Erection of 2no two bedroom and 1no one bedroom apartments (C3).
RECOMMENDATION – GRANT
Ward Affected: North Portslade
- D BH2017/00574- 80A Stoneham Road, Hove - Full Planning 97 - 114**
Formation of third floor to form 2no bedroom flat incorporating front balcony, terrace and associated works.
RECOMMENDATION – WISH
Ward Affected:Wish
- E BH2017/01043, Brighton College, Eastern Road, Brighton- Full Planning 115 - 132**
Installation of inflatable dome over tennis court incorporating plant machinery shed and associated works.
RECOMMENDATION – GRANT
Ward Affected: Queens Park
- F BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean, Brighton- Full Planning 133 - 142**
Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation rooflights to rear elevation.
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal
- G BH2016/02053-Land Adjacent to Martello Lofts, 315 Portland Road, Hove 143 - 164**
Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works.
RECOMMENDATION – GRANT
Ward Affected: Wish
- H BH2016/06335-Martello Lofts, 315 Portland Road, Hove -Full Planning 165 - 178**
Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3).
RECOMMENDATION – GRANT
Ward Affected: Wish

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- I BH2017/00071-150 Warren Road, Woodingdean, Brighton- Full Planning 179 - 190**

Roof alterations including roof extensions, raising of ridge height and installation of roof lights and solar panels to front and rear elevations. Erection of porch to side elevation, balcony to front elevation and associated works.

RECOMMENDATION – REFUSE

Ward Affected: Woodingdean

- 21 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

- 22 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

(copy attached).

- 23 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 191 - 196**

(copy attached).

- 24 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 197 - 198**

(copy attached).

- 25 APPEAL DECISIONS 199 - 280**

(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

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

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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, 4 July 2017

Subject:	Planning Enforcement Annual Report 2016/2017		
Date of Meeting:	12th July 2017		
Report of:	Principal Planning Officer, Enforcement		
Contact Officer:	Name:	Robin Hodgetts	Tel: 292366
	Email:	robin.hodgetts@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1 During the consultation period undertaken as part of the development of the Planning Enforcement Policy Document (PEPD), Members and the residents expressed an interest in being informed about the progress and outcomes of enforcement investigations. As such, the PEPD requires an annual monitoring report to be presented to the Planning Committee.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Planning Enforcement Team investigated an extremely high number of cases and resolved a significant number of breaches of planning regulations during 2016/2017. 820 new cases were received and 604 cases were closed. Both of these figures represent a significant increase on previous years and is attributed to the significant increase in reports of unauthorised HMOs (Houses in Multiple Occupation) in the city. This was despite a large portion of the year in which there were only two Officers in the team.

- 3.2 The table below shows a comparison of figures for the previous 4 years.

Year	Cases received	No Breach	Not expedient	Full compliance	Compliance after notice	No reason	Total
2016/2017	820	314 (52%)	82 (14%)	170 (28%)	10 (2%)	28 (4%)	604
2015/2016	576	194 (45%)	69 (17%)	157 (36%)	12 (3%)	n/a	432
2014/2015	666	176 (34%)	91 (17%)	230 (44%)	20 (3%)	n/a	517
2013/2014	658	225 (32%)	178 (26%)	275 (39%)	19 (3%)	n/a	697
2012/2013	755	255 (37%)	95 (14%)	291 (42%)	52 (7%)	n/a	693

- 3.3 Despite the extremely difficult circumstances and such a high volume of cases, a good level of customer satisfaction was maintained. Only three corporate complaints were received in relation to enforcement activity/investigations for the year (the same as received in 2015/2016).
 - 3.4 The team was supported with some additional capacity, provided by temporary staff at administration and Officer levels. This provided significant assistance in the progression of cases and enabled the team to continue to function well during a time of significant pressures and reduced staffing.
 - 3.5 During the 2016-2017 period a total of 604 cases were closed after enforcement investigation which is a significant increase of 172 on the previous year.
 - 3.6 In 52% of the cases closed, there was found to be no breach of planning control. This figure has been increasing in recent years with the main reason being the increase in HMO's within the city and in particular the Lewes Road corridor. Most of these are referred to us with a significant number being established as authorised HMO's and as such not in breach of planning regulations.
 - 3.7 In 14% of cases closed, it was determined that it was not expedient to pursue formal enforcement proceedings, as the breach was minor, not causing unacceptable harm and not in the public interest. This is down 3% on the previous year.
 - 3.8 In 28% of cases there were breaches of planning identified which were significant enough to consider action but were resolved through negotiation instead. This is a decrease from 36% for the previous year.
 - 3.9 Where there was found to be a significant breach of planning control, or where development was considered to be causing unacceptable harm, compliance was achieved in 94% of the cases before formal action was required.
 - 3.10 In 2% of all cases received, compliance was achieved through the issuing of a formal enforcement notice
 - 3.11 Serving an Enforcement Notice is the most common and effective method of remedying unauthorised development when informal negotiation has failed. The Council is required to be proportionate and reasonable when serving a formal enforcement notice and significant harm must be identified.
 - 3.12 Forty three (43) formal notices were served in the 2016-17 period, an increase of 11 from the previous year. This comprised thirty seven (37) enforcement notices, three (3) Listed Building Enforcement Notices and three (3) Section 215 notices.
- Enforcement and Listed Building Notices**
- 3.13 Enforcement notices are served against unauthorised development

which consists of either a change of use or unauthorised development. A listed building enforcement notice is a very similar notice served only in relation to listed buildings. Those served the notice have a right to appeal against the notice which is then determined by the Planning Inspectorate. Forty three (43) enforcement notices were served in the period 2016/2017.

- 3.14 If an appeal is lodged against an enforcement notice, the requirements of the notice are held in abeyance until the appeal is determined by the Planning Inspectorate. Enforcement appeals are currently taking between 9 and 12 months to process.
- 3.15 The grounds upon which an enforcement notice can be appealed include:
- Ground (a) – That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged.
 - Ground (b) – That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact.
 - Ground (c) – That there has not been a breach of planning control.
 - Ground (d) – That at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
 - Ground (e) – That the notice was not properly served on everyone with an interest in the land.
 - Ground (f) – That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome objections.
 - Ground (g) – The time given to comply with the notice is insufficient or unreasonable.
- 3.16 The Planning Inspectorate will dismiss or allow the appeal and also have the ability to vary the enforcement notice should they feel this necessary. On some occasions they make split decisions – part allowing and part dismissing the appeal.
- 3.17 With all enforcement investigations, every effort is made to encourage transgressors to carry out the required works prior to formal action becoming necessary.

Section 215 Notices

- 3.18 Where the condition of land or a building is adversely affecting the amenity of a neighbourhood, the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to improve the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner. Three (3) Section 215 notices were served in the period 2016/2017.
- 3.19 A Section 215 notice can only be appealed in the Magistrates Court. In 2016/2017 no appeals against the service of a 215 notice were made.

Other

- 3.20 There were no Breach of Condition or Stop notices served, nor were any injunctions applied for.

Other achievements

3.21 Uniform:

New database / case management software was successfully implemented last year. This involved a considerable amount of work transferring data, learning how to use the new system and establishing new methods of working to achieve time savings. Uniform has allowed the team to move to a paperless case management system, improving efficiency and saving money on printing costs. There are still many improvements that we can make to the Uniform system which will continue to be investigated and implemented wherever possible.

3.22 Workstyles

Following the refurbishment of Hove Town Hall, the team returned in September 2016 to a workstyles environment. This dovetailed with moving to paperless working and has led to a more modern and efficient service with increased flexibility.

3.26 Houses in Multiple Occupation:

The proliferation of Houses in Multiple Occupation (HMO's) across certain wards within the east of the city has continued to increase. Planning controls were introduced through an Article 4 Direction in 2013, requiring them to obtain planning permission. Awareness of this was raised across the whole city and methods of investigation were formulated. In 2016/2017 192 cases were received relating to HMO's, compared to 72 the previous year.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The year ahead (2017/2018)

The year ahead remains challenging for the Planning Enforcement Team, with continued pressure on the service in terms of caseloads and unauthorised HMO's within the city. An additional Officer has been resourced for the duration of this financial year which will help significantly but further efficiencies in how we handle cases will need to be found. This will be achieved through improved use of Uniform to process cases more quickly.

4.2 Targeted proactive Section 215 work

With an increase in the number of Officers within the team it will be possible to target particular areas of concern with some proactive Section 215 notices to secure a significant improvement in the appearance of an area / street.

4.3 Planning Enforcement Policy

Work will continue to formulate a new Planning Enforcement Policy to replace the existing one (2011). This will set out a framework on what the public can expect from the service and also what the scope of our powers are in relation to investigation and enforcement.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None required.

6. CONCLUSION

6.1 2016/2017 was an extremely challenging year for the planning enforcement team with significant changes faced in terms of resources and caseloads. In spite of a significantly increased number of cases, reduced Officers, a new database to implement and an office relocation an extremely high number of cases were investigated to conclusion. This is due in no small part to the considerable hard work and dedication of the Officers within the team, along with improvements made to the way cases are progressed and handled.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There are no financial implications relating to this enforcement report that fall outside the normal service delivery for the department.

Legal Implications:

7.2 There are no legal implications relating to this enforcement report that fall outside the normal service delivery for the department.

Equalities Implications:

7.3 There are no equalities implications relating to this enforcement report that fall outside the normal service delivery for the department.

Sustainability Implications:

7.4 There are no sustainability implications relating to this enforcement report that fall outside the normal service delivery for the department.

Any Other Significant Implications:

7.5 There are no other significant implications relating to this enforcement report that fall outside the normal service delivery for the department.

SUPPORTING DOCUMENTATION

Appendices:

1. There are no appendices for this report.

Documents in Members' Rooms

1. None.

Background Documents

1. Planning Enforcement Policy 2011

ITEM A

Westerman Complex, School Road, Hove

BH2016/02535

Outline Application Some Matter Reserved

DATE OF COMMITTEE: 12th July 2017

BH2016/02535 Westerman Complex, School Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/02535	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Outline Application Some Matter Reserved		
<u>Address:</u>	WESTERMAN COMPLEX, School Road, Hove, BN3 5HX		
<u>Proposal:</u>	Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale.		
<u>Officer:</u>	Stewart Glassar, 292153	tel:	<u>Valid Date:</u> 12.08.2016
<u>Con Area:</u>	-	<u>Expiry Date:</u>	11.11.2016
<u>Listed Building Grade:</u>	-	<u>EOT:</u>	
<u>Agent:</u>	Lewis and Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Cross Stone Securities Limited	C/O Lewis and Co Planning	2 Port Hall Road Brighton BN1 5PD

1. RECOMMENDATION

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

S106 Heads of Terms

- 40% affordable housing (56% shared ownership (24 units) and 44% (17 units) affordable rent), comprising 26 one-bed units and 15 two-bed units
- A total contribution of £210,533 towards the cost of providing primary (£79,970.80), secondary (£110,952.00) and sixth form educational provision (£19,611.00)
- A contribution of £20,500 towards the Council's Local Employment Scheme
- A contribution of £45,000 towards an Artistic Component / public realm
- A contribution of £256,954.69 towards public open space and indoor sport
- A contribution of £74,000 towards sustainable transport
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development
- Highway works including:
 - 2 new vehicular crossover access points from School Road
 - Reinstatement of redundant vehicle crossovers back to the footway
 - Resurfacing of the eastern footway of School Road along the entire frontage of the site

- The provision of shared and permit holder only parking bays, street trees, pedal cycle parking places in place of the existing double yellow line parking restrictions on the eastern side of School Road; car club vehicle bay
- A Residential Travel Plan, to include a Residential Travel Pack, to be provided for all first occupiers of the development and to include:
 - Local walking routes and maps
 - Local cycle routes and maps
 - Provision of an annual bus season ticket for Brighton & Hove Buses for each residential unit.
 - Public transport timetables and details
 - Provision of a 2 year free membership to Enterprise Car Club
 - Free £250 voucher towards the purchase of a bicycle or equipment (1 per household for each first occupier)

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 Proposed	1477-P-105-P5		9 March 2017
Floor Plans Proposed	1477-P-106-P5		9 March 2017
Floor Plans Proposed	1477-P-107-P5		9 March 2017
Floor Plans Proposed	1477-P-108-P5		9 March 2017
Floor Plans Proposed	1477-P-104-P5		9 March 2017
Block Plan	1477-P-103-P2		7 July 2016
Location Plan	WIE11133		7 July 2016
Location Plan	1477-P-101-P2		7 July 2016
Design and Access Statement	1477		7 July 2016
Statement	CAR PARK SURVEY	WIE11133/TR001/A03	7 July 2016
Contaminated Land Report	PHASE 1: RISK ASSESSMENT		7 July 2016
Statement	OVERSHADOWING REPORT	3	7 July 2016
Statement	PLANNING STATEMENT		7 July 2016
Flood Risk Assessment	14892/02/SDR01		7 July 2016
SUDS strategy	14892/02/SDR01		7 July 2016
Statement	TRANSPORT STATEMENT		7 July 2016
Statement	GS-2979573		7 July 2016

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. Appearance
 - ii. Landscaping
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Scale & Layout of Development:

- 4 The development hereby approved shall not exceed a maximum of 104 residential units of which no more than 21 units shall be dwellings and no more than 83 units shall be flats. The overall composition of the development shall comprise a maximum of 48 one-bed units; 34 two-bed units and 22 three-bed units.

Reason: For the avoidance of doubt and to define the extent of this permission in the interests of proper planning.

- 5 The development hereby approved shall not exceed a maximum of 572 m² of Class B1 floorspace.

Reason: For the avoidance of doubt and to define the extent of this permission in the interests of proper planning.

- 6 The buildings shall not exceed the following heights in each of the following positions within the site:

- a) Development sharing a boundary with the properties in Alpine Close (to the east of the site) shall not exceed 3 storeys in height with a maximum ridge height of 9.75m.

- b) Development sharing a boundary with the properties in Marmion Road (to the east of the site) shall not exceed 4 storeys in height with a maximum height of 11.75m

- c) The development with a frontage onto School Road shall not exceed 4 storeys in height with a maximum height of 12.5m with the exception of (i) development at the corner of School Road and the Rayford House site which

shall not exceed 5 storeys with a maximum height of 14.5m; and (ii) development sharing a boundary with the properties in Marmion Road (to the east of the site) which shall not exceed 4 storeys in height with a maximum height of 11.75m

Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

- 7 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) 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.

Pre-Commencement/not above slab level:

- 8 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 as per the recommendations of the Flood Risk Assessment (Ref: RCEF14892/02/SDR) 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 building commencing. No other infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority.

Reason: As this matter is fundamental to ensure that the principles of sustainable drainage are incorporated into this proposal and that measures are in place to prevent an increased risk of flooding and the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 9 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.

- 10 (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation report (based on the Phase 1 Preliminary Risk Assessment submitted with the application) documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Phase 1 Preliminary Risk Assessment in accordance with BS10175:2001+A1:2013 in order to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.; and, unless otherwise agreed in writing by the Local Planning Authority,
 - 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 to identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: The site lies in Source Protection Zone 2 for the Goldstone abstraction, therefore any contamination present has the potential to impact groundwater quality including drinking water supplies and is therefore a matter that is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

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

Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to protect local groundwater in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 12 Prior to the commencement of development a full asbestos survey of the site and buildings, undertaken by a suitably qualified specialist shall be submitted to and approved in writing by the local planning authority. If any asbestos containing materials are found as a result of the survey, a separate report containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site shall be submitted to and approved in writing by the local planning authority.
- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

- 13 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 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.

- 14 No development above ground floor slab level of any building hereby permitted that has a green roof or green wall shall take place until details of the construction of the green roof and green wall have been submitted to and

approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

15. No development above ground floor slab level of any building hereby permitted shall take place until details for the soundproofing of that building have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

16. No development above ground floor slab level of any building hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority, including:

- i. Samples of all external wall finishes including brick, render and cladding including details of the colour of render/paintwork to be used);
- ii. Full details of all hard surfacing materials;
- iii. Full details of the proposed window, door and balcony treatments;
- iv. Full details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.

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

17. No development above ground floor slab level of any building hereby permitted that contains a ground floor commercial use shall take place until a scheme for the soundproofing of the floors and walls between the commercial and residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

18. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of electric vehicle charging points for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove Local Plan and SPD14.

19. The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

20. Prior to the commencement of development an Energy Strategy for the development that addresses the requirements of City Plan Policy CP8 paragraph 4.85 and covers matters such as emission savings from energy efficiency and renewable energy measures to be incorporated in the development, including the feasibility of CHP/CCHP and community heating systems shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and thereafter retained

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

Pre-Occupation:

21. Prior to first occupation of the development hereby permitted, details of external lighting (including design, layout and levels of illuminance) shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

22. Prior to first occupation of any building hereby permitted a scheme for the storage of refuse and recycling for that building 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.

23. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development unless the development is to be developed/occupied in phases in which case the implementation shall be in accordance with a programme that is submitted to and agreed in writing with the Local Planning Authority prior to each phase of 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. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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 Local Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

25. Prior to first occupation of the development hereby permitted, details of the motorcycle 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 motorcycles are provided in accordance with the Council's Supplementary Planning Document 14: 'Parking Standards'.

26. Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 scheme 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 the development provides for the needs of disabled residents, staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan with the Council's Supplementary Planning Document 14: 'Parking Standards'.

27. No dwelling shall be occupied until all the internal access roads and car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

Site Wide Requirements:

28. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

29. All approved hard surfaces 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.

30. 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 City Plan Part One.

31. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

32. Details of any penetrative ground construction methods, such as piling, shall not be permitted other than with the prior written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The works shall be carried out in full accordance with these approved details.

Reason: The development lies within the Source Protection Zone 2 for the Goldstone abstraction this condition is required to ensure that any piling does not harm groundwater resources and is therefore a matter that is fundamental to the acceptable delivery of the permission to safeguard the health of local

residents or occupiers and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

Post Occupation:

33. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the date of first occupation of the non-residential development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton 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. Scotland Gas Networks advise that there is a pressure gas main near the site. They advise there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
3. All existing water main infrastructure should be protected during the course of construction works. No development or new tree planting should be located within 3m either side of the centreline of the foul sewer. No new soakaways should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. The development should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development and seek a formal application for connection to the water supply is required in order to service this development. Please contact Southern Water,

Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

5. To discharge the surface water drainage condition above the Local Lead Flood Authority would expect the developer to provide the detail for the whole site, which should include the details of each soakaway (including location and build details) and details of any other drainage infrastructure, such as permeable paving. The applicant will need to provide;
- An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

A comprehensive maintenance plan for the drainage system will need to be provided. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. It is not sufficient to state: “the system is therefore designed to cause a nuisance if the silt traps block, prompting the resident to clear the silt trap.” Examples of suitable maintenance plans can be found at www.susdrain.org.

6. The details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) ‘Guidance Notes for the Reduction of Light Pollution (2011)’ or similar guidance recognised by the council.
7. The site is potentially contaminated. The developer should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with the above ‘Potentially Contaminated Land’ 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 both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
8. Whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, vibrations, dust, odour, smoke or light, this does not preclude the Council from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. 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).

10. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
11. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. 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.
12. The Constriction Environment Management Plan should include commitments to implementing appropriate working practices and managing construction vehicle movements to that which avoid peak times and in particular the start and end of the school day for the nearby school and wheel wash facilities are the site and other mitigation measures.
13. Prior to any works commencing on the adopted highway, a Section 278 Agreement with the Highway Authority must be formally agreed.
14. Any roads that are to be adopted must be included within a Section 38 Agreement with the Highway Authority prior to any works commencing. It is advisable to obtain the prior technical approval for all estate road details from the Local Highway Authority.
15. The car-free scheme required to be submitted 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 The application site comprises a mix of mainly two storey brick built buildings located on School Road. The units, which were originally constructed as industrial and light industrial units, now accommodate a range of uses, including a children's play centre, car wash, church, tool hire and tyre repair/MOT centre.
- 2.2 The site backs on to houses in Alpine Road which is to the east and houses in Marmion Road to the south. The car park to Rayford House, a four storey office building which has prior approval to change to 32 flats, adjoins the site to the

north. On the opposite side of School Road is a mix of residential, office and school uses.

- 2.3 The application proposes the redevelopment of the site for housing and Class B1 office space. The application has been submitted in outline to establish the principle of the use. The detailed matters of access, layout and scale are also to be considered at this stage. However, appearance and landscaping are not matters which form part of the consideration of this application.
- 2.4 The application proposes a maximum of 104 residential units and 572m² of Class B1 office floorspace. Of the residential units, 21 would be dwellings (all three bedrooms) and 83 would be flats. In total, the mix of residential units is intended to be:
- 48 one-bed units
 - 34 two-bed units
 - 22 three-bed units
- 2.5 The site layout would comprise three main elements:
1. Properties fronting School Road – a single block and terrace of three blocks
 2. Townhouses within the site – backing on to the properties in Alpine Road
 3. Terrace along southern boundary – comprising offices on the ground floor.
- 2.6 Car parking would be provided within the site and along the School Road frontage with cycle storage accommodated within the ground floor areas of the buildings and some external bays for visitors. The submission shows a total of 89 parking spaces (including 4 disabled bays and 1 car club bay), 4 motorcycle spaces plus cycle parking spaces.
- 2.7 The proposed development will be predominantly 3 and 4 storeys in height, although the northernmost block fronting School Road and adjacent to Rayford House will be 5 storeys

3. RELEVANT HISTORY

3.1 There are a number of applications relating to the individual buildings which are currently on the site. However, there are no previous applications which are directly relevant to the current application.

3.2 Pre-application advice

Pre-application advice has been provided by officers over a number of years regarding the redevelopment of this site. This planning application follows on from the advice provided by officers in October 2015.

This scheme was not presented to the Committee at the pre-application stage and has not been to the Design Panel.

4. REPRESENTATIONS

- 4.1 **One Hundred and Eighty Three (183)** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

Design/ Amenities Impacts

- Development doesn't reflect the character/style of area
- Development is too high
- Land contamination
- Loss of privacy/aspect for neighbouring residents
- Loss of light for neighbouring residents
- Increased noise and disturbance, including from construction
- Light pollution
- Overshadowing to existing neighbour residents
- Overlooking and loss of privacy to existing neighbour residents

Transport/Highway/Access Issues

- Increased road/pedestrian/access safety issues/concerns
- Increased parking demand/problems,
- Removal of pedestrian access from School Road to Poets Corner
- Retention of pedestrian access from School Road to Poets Corner

Other Issues

- Loss of community facility
- Impact of social housing
- Adequacy of drainage
- General overdevelopment of the area
- Insufficient consultation from developer
- Not sustainable development and therefore contrary to the NPPF
- Loss of jobs/small businesses
- No demand for offices in the area
- Insufficient local services/infrastructure, particularly schools, doctors

- 4.2 Following re-consultation of the amended plans and documents, **twenty (20)** further representations from residents in the vicinity of the site objecting to the revised proposal on similar grounds to those previously raised and that the revised scheme does not address or overcome the previously raised objections.

5. CONSULTATIONS

5.1 External

- 5.2 **County Archaeologist:** No comments to make.

- 5.3 **County Ecologist:** Comments that the proposed development is unlikely to have any significant impacts on biodiversity; there are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development; and the site is unlikely to support any protected species and therefore no specific mitigation is required. There are opportunities to include the use of species of known wildlife value within the landscape scheme and

green roofs and walls which would help meet Biosphere objectives and local Biodiversity Action Plan targets.

5.4 **Environment Agency** No objection subject to the inclusion of conditions covering contamination, Sustainable Urban Drainage and piling methods.

5.5 **Sussex Police:** Comment that the adoption of appropriate measures to create a safe and secure environment using the principles of Secured by Design and the attributes of safe, sustainable places are encouraged.

5.2 **Internal**

5.3 **City Regeneration:** Support the application from the perspective that it will provide additional homes for the city but object to the loss of employment floorspace

5.4 It is also acknowledged that the employment figures quoted for the proposed B1 space exceeds the minimum indicated in the OffPAT Employment Density Guidance.

5.5 However, there are some concerns relating to the loss of 4,250m² of employment space and only 527m² of B1 office space being provided and therefore the development may not be making good use of the site from an Economic Development perspective. City Regeneration would therefore prefer to see a reconfiguration of the mix between residential and employment space on this site.

5.6 Should the application be approved, developer contributions of £35,600 towards the council's Local Employment Scheme are requested through a S106 Agreement. In addition, an Employment and Training Strategy will be required which should be submitted for approval 1 month before commencement. The Employment & Training Strategy should set out how the developer or their main contractor will provide employment and training opportunities for local residents, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.

5.7 **Education Officer:** Comment that this development would trigger a contribution towards the cost of providing educational infrastructure for the school age pupils that this development would generate. In this instance a total contribution of £210,533.80 would be sought in respect of primary (£79,970.80), secondary (£110,952.00) and sixth form (£19,611.00) provision.

5.8 The primary provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior School Holland Road, Goldstone Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. These schools currently offer a total of 2,730 places and there are currently 2,652 pupils on roll at these schools. This offers a surplus of just 3% (the majority of which is in the junior

year groups) which is required to allow for parental preferences and in year admissions.

- 5.9 With regard to the secondary and sixth form provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.
- 5.10 **Environmental Health:** Recommend Approval subject to conditions regarding the provision of a Construction and Environmental Management Plan (CEMP) to protect residential and commercial uses which may be affected by construction noise; contaminated land and removal of asbestos; external lighting; soundproofing of the buildings to protect future occupants from the electrical substation, vehicle movements (including parking and loading from Raysford House), train horns and station announcements, as well as untimetabled freight train movements.
- 5.11 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding surface water drainage.
- 5.12 **Housing Strategy:** Comment that the application is for 104 units including 40% affordable. This equates to 41 units being offered as affordable units and is compliant with policy CP20.
- 5.13 The Affordable Housing Brief (AHB) sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate e.g. Shared Ownership sale as a citywide objective. Within the affordable housing 10% should be wheelchair accessible which would equate to 4 properties. For this scheme this requirement equates to: 23 units for affordable rent and 18 properties for shared ownership sale. Tenure mix is not shown but from correspondence appears to be 17 for rent and 24 for shared ownership sale.
- 5.14 The AHB seeks a unit mix of 30% one-bed units; 45% two-bed units and 25% three or more bed units. This would equate to:
- 13 x one bed units
 - 18 x two bed units
 - 10 x three bed units
- 5.15 The current application proposes 26 one-bed units and 15 two-bed units which does not meet the AHB.
- 5.16 **Planning Policy** Comments that the principle of mixed use redevelopment is supported by the allocation of the site in part 5 of Policy CP3 Employment Land. The purpose of the policy is to seek employment led redevelopment but also for the site to contribute towards housing delivery in the city.
- 5.17 The regeneration of the site which currently comprises an ageing complex of buildings and townscape improvements is welcomed.

- 5.18 It is recognised that the proposed scheme would contribute to meeting the City's housing requirements by providing 104 residential units. The provision of social affordable housing on site, would be a significant benefit but with the caveat that this has further reduced the amount of employment floorspace and that the mix of market and affordable unit types could be improved to meet the dwelling size preferences set out in CP19 and CP20.
- 5.19 The applicant has not fully addressed the exceptions set out in HO20 with respect to the D2 community use and those related to the loss of D1 indoor sports facility as set out in CP17.2. However it is acknowledged that City Plan Part 1 allocation of the site is for a mix of B1a employment and residential uses; it does not specify that the existing non B employment uses should be re-provided.
- 5.20 Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. It is suggested that the Artistic Component element for this application is to the value of £37,000.
- 5.21 **Sustainable Transport Officer:** No objections to the application in principle subject to the inclusion of a S106 agreement relating to:
- Construction Management Plan
 - Provision of a Travel Plan
 - £74,000 towards public transport and pedestrian improvements
- 5.22 The provision of conditions and some minor amendments and clarifications in relation to:
- Pedestrian access
 - Cycle parking provision
 - Car/motorcycle parking provision
 - Disabled parking
 - Servicing and deliveries
 - Electric charging points
- 5.23 **Sustainability Officer:** No objection subject to conditions covering: BREEAM New Construction 'very good'; minimum performance standards for energy and water efficiency and submission of an Energy Strategy for the development.

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).

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 Planning for Sustainable Economic Development

CP3 Employment Land

CP7 Developer Contributions

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP12 Urban Design

CP14 Housing Density

CP16 Open Space

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

TR15 Cycle network

TR18 Parking for people with a mobility related disability

SU3 Surface Water Drainage

SU5 Surface water and foul sewage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise Nuisance

SU11 Polluted land and buildings

QD5 Design - street frontages

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

8. CONSIDERATIONS & ASSESSMENT

8.1 Pre-Application Advice

The scheme has been subject to pre-application discussions over a number of years. Detailed officer advice was last provided in October 2015 and this application is the result of that advice. The layout and approach has been amended to reflect the officer suggestions and information provided as necessary to address the key issues. The scheme was not considered by the Planning Committee at pre-application stage nor was it considered by the Design Panel.

8.2 Principle of Development

The site is an employment site located within a prominently residential area. Therefore, in land use terms the redevelopment of the site for a mix of employment and residential uses is supported subject to all relevant issues being appropriately addressed.

8.3 With regard to the specific uses:

8.4 Employment Space

The site is allocated (under City Plan policy CP3) for mixed use employment led regeneration.

8.5 The policy position is that there should be no net loss of employment floorspace. In this case the existing floorspace figure has been provided as approximately 4,777m² and the proposed employment floorspace is 572m². The City Plan makes it clear that where there is a net loss of employment floorspace the council will take into consideration the following factors:

- Site constraints (current site coverage and opportunities for more effective and efficient use of the site)
- The need for environmental and townscape improvements
- Access arrangements (improved access/circulation space)
- Safeguarding the amenity of surrounding users and occupiers
- The quality of the employment offer in terms of the type of employment and density of jobs.

8.6 The applicants have calculated that between 44 and 66 jobs could be provided on site based on the level of proposed office floorspace. This calculation uses the OFFPAT (Office of Projects & Programme Advice & Training) employment density figures. At present 45 people are employed on site. Therefore, it appears that the proposed employment space has the potential to maintain or even increase employment levels across the site in comparison to the actual existing employment levels.

- 8.7 The construction phase would also provide some employment opportunities and the Council's City Regeneration Team are seeking a £35,600 contribution towards the council's Local Employment Scheme as well as an Employment and Training Strategy for this specific site.
- 8.8 It is accepted that the buildings are not particularly attractive visually and have a number of limitations for existing users and would be of limited interest to 8.9potential new occupiers. In addition, the applicant's note that the existing uses can and have been a source of complaint by neighbours whereas Class B1 office use is compatible with residential uses.
- 8.9 It is accepted that the scheme would provide a number of environmental and townscape improvements without reducing the overall employment potential of the site. The scheme would therefore accord with the overall objectives of Policy CP3.
- 8.10 Housing provision
The scheme would provide 104 new residential units. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.11 It is recognised that the proposed scheme, has social and economic benefits including contributing to the City's housing requirements and supply figures as well as providing 40% affordable housing.
- 8.12 The City Plan seeks to make the most efficient use of existing land and policy CP14 in particular acknowledges that higher densities of residential development compared to those typically found in the locality can be acceptable provided the development overall does not harm the area or wider policy objectives.
- 8.13 Accordingly, a scheme of the type proposed by this application, in this location, would in principle be acceptable.
- 8.14 Community Use
The current use of the units includes a children's' play facility and church. The former use in particular has raised a number of representations seeking the retention of some form of community use within the proposed redevelopment.
- 8.15 Whilst policy HO20 does seek the retention of community facilities where a redevelopment is proposed it must be noted that the indoor football facility (the "sports facilities" element of existing uses) is subject to a "personal planning permission" and given such a restriction, the retention of the sports facility would not be possible by other operators. More significantly, both the children's play

facility and the church are occupying the buildings on short terms leases and were not intended to be long term tenants given the nature of the buildings/their state of repair and the longer term redevelopment aspirations. These uses were therefore only intended to be temporary and their long term retention was not envisaged.

- 8.16 In addition, the redevelopment scheme will make a significant contribution towards the provision of open space and indoor sports within the City and that in identifying the site for a mixed use scheme Policy CP3 does not make provision for leisure or community uses.
- 8.17 It is clear that in terms of planning policy, there would not be a requirement to seek provision of community space. However, notwithstanding the above, the applicants are willing to include some within the scheme. One of the office units could have the benefit of a dual Class B1 (Business)/Class D1 (Non-Residential Institutions) and the legal agreement would ensure that the office use did not take effect on this particular unit until January 2020, which would be a reasonable timescale for a community use to come forward. After that time, if there wasn't any community user interested in the unit, it could revert to office use without the need for a further planning permission. Such a provision would have implications for the viability of the scheme and the inclusion of these provisions would require a recalculation of the affordable housing provision.
- 8.18 Having regard to all of the above, it is considered that as the submitted scheme would meet the key policy priorities with regard to employment/affordable housing provision, and that there is no policy basis on which to seek a community use which itself would then impact upon the provision of the affordable housing, it is preferable to retain the affordable housing and employment provision.
- 8.19 **Layout & Scale**
Notwithstanding the fact that this application is only considering the layout and scale of development and not the external appearance of the buildings, consideration has to be given to the likely impact of the scheme on the character and appearance of the area, as well as the amenity of neighbouring properties. Whilst, this assessment has some regard to the submitted internal layout plans for the buildings in assessing the likely impact of overlooking and loss of privacy, it is recognised that the application does not seek approval for external appearance and accordingly factors such as exact building heights, external appearance and window positions could be different at the reserved matters stage.
- 8.20 Following pre-application discussions with officers the site layout was amended so that the flatted development was to the School Road frontage, multi storey development to the southern end of the site and the houses to the east. This arrangement was considered to better reflect the overall pattern and grain of development in the area. It was considered more reflective of the residential character of the area to present a residential frontage on to School Road, with the commercial floorspace located at the southern end of the site.

- 8.21 Whilst the appearance of the buildings is reserved for future consideration, the layout will to some extent inform how the buildings are designed. The drawings submitted with the application illustrate one possible interpretation. These drawings have tried to incorporate comments at the pre-application advice stage particularly to the School Road frontage, where a vertical emphasis is in keeping with the strong vertical divisions of the surrounding terraced houses which characterise the area. The drawings also demonstrate that with appropriate detailing and proportions the buildings would not appear overly bulky or visually bland. The townhouses to the rear of the site would be an appropriate design approach.
- 8.22 Similarly, although the external appearance and materials of the buildings is a matter which is reserved for future consideration, the drawings have illustrated a brick and render finish. Given the difficulties of maintaining the appearance of render, particularly rendered panels, there would be concern if this were to be retained in the subsequent reserved matters application. Whilst render is not an alien feature within the area, brick is the predominant material. The latest illustrative drawings of the external appearance have brick as the predominant material.
- 8.23 The dwellings to the south, east and west of the site will all, to some extent, be impacted given the scale of development proposed. The neighbours who share a boundary with the site to the south and east would be most affected.
- 8.24 Alpine Road:
The proposed townhouses would be to the east of the site, backing on to the dwellings in Alpine Road. Currently the rear of the existing houses in Alpine Road face onto the backs of the existing industrial units. The proposed layout shows that the new houses would be positioned a similar distance from the shared boundary as the existing houses to maintain a similar pattern and grain of development to that of the surrounding roads. It is acknowledged that in some instances some of the existing houses in Alpine Road have been extended, mainly at ground floor level and with appropriate boundary treatments these extensions should not be unduly affected. Due to the shape of the site and angle of the boundary the back-to-back distances between rear elevations do vary slightly from approximately 13.5 metres at the northern end to 14.5 metres at the southern end of the site. However, currently the industrial units at the northern end of the site cover the full depth of the site and back directly on to the boundary with the houses in Alpine Road.
- 8.25 The submitted plans show a design for the houses which indicates large windows on the upper floors and what in some instances appear to be Juliette balconies. As the external appearance is a reserved matter this is not something which can be fully assessed at this stage. However, in acknowledging that the general position of the proposed houses may be acceptable in terms of the layout of the site, it is also acknowledged that the external appearance of the rear elevations in particular will need to have regard to the impact of windows on existing residents and that large windows and Juliette balconies may not necessarily be acceptable.

- 8.26 The scale of the development indicates that the form of development would be three storey townhouses, which would be higher than the existing units of the site. However, there is a slight difference in levels between School Road and Alpine Road, with Alpine Road sitting higher than School Road. It is also noted that the new houses would be set slightly further from the boundary than the existing units. These two factors would help ensure that the new houses were not likely to impact in terms of being overbearing or create undue overshadowing. A sunlight/overshadowing report has been submitted which has analysed the development as proposed and concluded that the development would not have a negative impact on the adjacent gardens and that British Research Establishment guidance will be met.
- 8.27 The redevelopment of the site will undoubtedly create a new relationship and outlook for the existing properties in Alpine Road and backing on to dwellings will undoubtedly change the level of privacy they currently enjoy. However, having regard to all the above factors and the general positioning of dwellings and their relationships with one another across the area, what is proposed is generally in keeping with the overall character and levels of privacy/amenity for the area.
- 8.28 **Marmion Road:**
The southern boundary of the site is with the existing dwellings in Marmion Road. The existing single and two storey buildings on the site would be replaced with three and four storey buildings. The layout indicates that these new buildings would be closer to the boundary than the existing two storey buildings. The ground floor would accommodate the offices and is shown as being tight to this boundary with the upper floors set back so that they are between 3m to 5m off the boundary. The properties in Marmion Road (Nos 37-51) have rear gardens which are on average 16m in length. The rear elevation-to-elevation distances are therefore comparable with the surrounding area albeit the bulk of the distance is made up by the gardens of the existing residents and thus the rear elevation of the new buildings will be comparatively closer to the boundary and the existing neighbours' gardens.
- 8.29 The scale of the development will have an impact on the outlook of the existing residents although the relative distances and height of the proposed new building is such that there is unlikely to be an adverse impact in terms of overshadowing.
- 8.30 **School Road:**
The tallest part of the scheme will be the blocks which will front onto School Road. The submitted drawings indicate that these will be predominantly four storey buildings and are shown with a design that has the top floor set back from the main building frontages. The most northern building would be five storeys in height, with the top floor similarly set back from the frontage. For the purposes of local planning policy and guidance (SPGBH15, published 2004), 'tall buildings' are above 18 metres in height. From the submitted drawings and proposed scale and layout of development proposed, none of the buildings would exceed this height. The tallest building is likely to be approximately 14 metres in height.

- 8.31 Whilst the proposed development will result in a greater overall built form across the site frontage, the height of the new buildings on School Road will be for the most part approximately 3m higher, with the main differences being at the northern and southern ends where the buildings are some 4.5m - 6m higher than the existing buildings in these areas.
- 8.32 The removal of industrial uses from a predominantly residential area will represent a benefit but it is acknowledged that the dwellings towards the end of Kingsthorpe Road and Dallington Road will notice the change to the streetscape and character in this part of School Road given the scale of new buildings. Whilst these existing dwellings have side elevations facing on to School Road and therefore their outlook will not particularly change, their rear gardens will be approximately 14m from the front of the new apartments so will potentially experience some overlooking from the upper floors of the new buildings. Numbers 1 and 2 School Road face towards the site and conversely their outlook will be altered but privacy at the rear is unlikely to be affected. The other buildings on the opposite side of School Road (Express House and West Hove School) will similarly have their outlook altered.
- 8.33 The change to the streetscape and outlook of existing properties along School Road will be noticeable but it is considered that these changes are acceptable. There are a number of existing buildings in the wider School Road, Stoneham Road, Portland Road area that are 3, 4 or 5 storeys in height and whilst the properties on the opposite side of School Road will notice a change in outlook, the impact of the new buildings would not unduly exacerbate the extent of the mutual overlooking of gardens which occupiers in this area already experience.
- 8.34 City Plan policy CP12 seeks to raise development densities where appropriate as well as setting out design principles for all new development. Local Plan Policy QD27 seeks to ensure that new development protects the amenity of existing and future residents. It is considered that a scheme of the scale and layout proposed in this application would accord with these overall policies.
- 8.35 **The Proposed Mix of Units/Standard of Accommodation**
Policy CP20 seeks a 40% provision of on-site affordable housing units. The proposal provides 41 units of affordable housing which equates to 39.4% of the total number of units proposed for the site.
- 8.36 The proposed affordable housing offer would be split between 1 and 2 bedroom units (26 one-bed units and 15 two-bed units). Policy CP20 seeks a citywide affordable housing mix of 30% 1 bedroom, 45% two bedroom and 25% 3 bedroom units.
- 8.37 The proposed mix of units in itself is therefore not reflective of the needs of the city as a whole. However as a flatted development in an accessible location it would be expected that the scheme would deliver a greater proportion of smaller units. A greater proportion of larger units would be expected in a more outlying development of a lesser density, such schemes considered

cumulatively will work towards delivering an appropriate mix of units across the city. The tenure mix proposed similarly reflects the likely demand in this location.

- 8.38 The applicant has stated that no 3-bedroom units have been proposed as affordable due to viability concerns, a detailed viability case has not however been submitted.
- 8.39 Whilst a policy compliant mix of unit sizes has not been agreed as affordable provision, which is regrettable, it is again noted that a scheme of this nature is to be expected to deliver a greater number of smaller size units. Overall it is considered that the mix of unit sizes and the proposed affordable housing provision are acceptable in this case.
- 8.40 An accommodation schedule submitted with the application identifies certain blocks/flats would be likely to form the affordable housing element. However, the affordable housing, based on the illustrative drawings, would not be visually distinguishable from any of the market housing on the site. Aspects such as finished materials and design can be addressed at the reserved matters stage to ensure this approach is maintained.
- 8.41 Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes, reference is made to the Government's Technical Housing Standards - National Described Space Standards (March 2015) document. Based on the submitted drawings, the proposed town houses would be of a size likely to accord with the Technical Standards
- 8.42 The accommodation schedule submitted with the application indicates the potential sizes of the various units although without definitive detailed drawings it is not possible to be entirely clear whether some bedrooms will be designed for one or two person occupancy and hence what the overall size of unit should be in order to meet the Technical Housing Standards, given that the floor space requirements are based on potential number of occupants. Some of the units would potentially be below the suggested Standards but a different external appearance and design of the buildings could increase the size of the units by 1 or 2 square metres, which would be sufficient for many of them to meet the Standards.
- 8.43 All of the upper floor apartments would be likely to benefit from the use of a balcony area and the houses would have use of a private rear garden. The ground floor apartments, which are along the School Road frontage, would have a small terrace/garden area along their frontage.
- 8.44 In order to accord with policy HO13, a minimum of 10% of the proposed affordable housing residential units and 5% of the overall housing units are required to be fully wheelchair accessible. Such provision can be ensured via a condition if overall the proposal was considered acceptable.
- 8.45 Policy HO13 also requires all other residential dwellings in a development, that are not wheelchair accessible, 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 Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) standards, which can be ensured via the attachment of a condition.

8.46 Amenity/Open Space/Recreation Provision

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. Whilst the detailed internal layouts are indicative the plans submitted indicate that given the proposed scale of development and layout of the site, proposed houses would be have rear gardens commensurate with other dwellings in the area. The apartments would all potentially each have a balcony which is generally considered to be acceptable for this form of development particularly where it is in a relatively central location and in close proximity to public open space e.g. Stoneham Park.

8.47 The development would also be making a £256,954.69 contribution towards open space/recreation provision within the City.

8.48 Landscaping / biodiversity

Local Planning policies and guidance and the NPPF require high quality landscaping and that development delivers a net gain in biodiversity terms. Whilst the specific landscaping proposals are reserved for subsequent consideration, the proposed layout will have implications for what landscaping can be achieved. From the layout plans it can be see that some planting is likely to be achieved through the development and the proposed houses will have private rear gardens. These elements provide the opportunity to deliver some biodiversity gains by for example utilising native species of local provenance and attracting wildlife. Green roofs and a green wall are also shown on the indicative elevations.

8.49 Environmental Sustainability/Biodiversity

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The ground floor office use would be secured as a BREEAM rating of 'Very Good'. The agents have suggested that given the size of the commercial units a lower standard should be imposed to reduce service charges to potential tenants but there has not been any detailed justification for this approach being adopted.

8.50 The green roofs and green wall would provide the potential for some biodiversity potential and can to be secured by a condition that requires the submission of a Sustainability Strategy that addresses the requirements of City Plan policy CP8 and covers emission saving from energy efficiency and renewable energy measures

8.51 Sustainable Transport:

8.52 Pedestrian Access

The layout has been amended to provide better and more convenient pedestrian routes to the main entrances of the buildings by widening the footpaths and providing delineated routes especially to blocks I, H and G. This

is welcomed by the Highway Authority and addresses the previous concerns raised by them.

8.53 There is currently an existing private pedestrian route which allows access from the site through to Stoneham Road. This will not be retained and there will not be any pedestrian access through the site to Stoneham Road.

8.54 Vehicular Access

Vehicular access/egress to the site is to be provided via the southern and northern end of the site via vehicle crossovers. Given the proximity of on-site parking it is likely that the southern access will predominantly be used by the residents and occupants of the commercial use, whilst the northern access is most likely to be solely used by residents only.

8.55 The implementation of the vehicle crossovers and associated works (reinstatement of redundant vehicle crossovers, on-street parking, cycle parking and street trees) will need to be delivered through a Section 278 agreement with the Highway Authority.

8.56 Highway Works

The applicant is proposing highway works to School Road associated with the revised access arrangements. The need to enter into a S278 agreement with the Highway Authority to deliver these works will be secured via a S106 agreement.

8.57 The following works are to be delivered via the S278 agreement:

- 2 new vehicular crossover access points from School Road
- Reinstatement of redundant vehicle crossovers back to footway
- Resurfacing of the eastern footway of School Road along the entire frontage of the site
- The provision of shared and permit holder only parking bays, street trees, pedal cycle parking places and subject to the agreement of an operator a car club bay in place of the existing double yellow line parking restrictions on the eastern side of School Road.

8.58 Car Parking

For this development of 104 residential units (82 1-2 bed units & 22 3 bed units) the maximum car parking standard is a total of 115 spaces (63 spaces for residents & 52 visitor spaces). The maximum car parking standard for a B1 office land use in this location is 1 space per 100m². The proposed car parking levels are therefore within the maximum car parking standards in SPD14.

8.59 The applicant has undertaken an on-street parking surveys which demonstrates that on-street parking stress ranged from 64% to 68% in the immediate vicinity of the site. However, at this stage there is no allocation of the parking spaces to specific units/uses and therefore the Highway Authority recommends a condition to restrict future occupiers from obtaining CPZ permits.

8.60 Disabled Parking

The drawings indicate four disabled car parking spaces, one of which would be within the site and three would be on-street. The rationale for the scheme's approach to disabled car parking has not been provided and therefore the Highway Authority recommends a condition to secure the appropriate level of provision.

8.61 Electric Vehicle Parking

SPD14 requires that a minimum 10% of the car parking provision to have electric vehicle charging provision and a minimum of 10% of the car parking provision to have a passive provision to allow conversion at a later date.

8.62 The applicant has not provided any information as to the level of electric vehicle charging provision. Further details will be secured via condition.

8.63 Cycle Parking

Cycle parking is proposed in various locations across the site and includes a combination of lockers just inside the main entrance to each property, external cycle parking located to the side of the house and external cycle parking located in the parking forecourt. Full details will be secured via a condition.

8.64 Motorcycle Parking

The applicant has provided a location for 4 motorcycle parking spaces which accords with the parking standards in SPD14. Further details of their exact nature should be secured via condition.

8.65 Car Club

The applicants have indicated a willingness to accommodate car club provision within the development and the scheme has been amended to incorporate a car club bay in this location. The Highway Authority would welcome the provision of a car club bay/and vehicle in this location and have contacted Enterprise Car Club who have confirmed that are agreeable to there being a car in this location.

8.66 Deliveries and Servicing

There is adequate space within the site for servicing and deliveries associated with the development to take place within the site. The applicant is proposing that refuse collection is taken from School Road and communal refuse and recycling stores are located with access points onto School Road. A condition requiring the submission of appropriate details is recommended.

8.67 Trip Generation and Highway Impact

In order to forecast the trip generation of the existing development and the proposed development the applicant has interrogated the industry standard TRICS database. The existing uses amount to 4,777m² and consist of various land uses. The TRICS data used by the applicant forecasts that the existing use could generate 955 total vehicle trips a day; if used at full capacity.

8.68 Using the TRICS database it is that the proposed land use could have a total of 843 total person trips (all modes). Using the local travel to work census data the applicant forecast that there could be 326 two way total daily person car trips associated with this development.

8.69 Travel Plan

The applicant has committed to producing a Residential Travel Information Pack. In accordance with the submitted Transport Statement, this pack should include as a minimum:

- Local walking routes and maps
- Local cycle routes and maps
- Provision of an annual bus season ticket for Brighton & Hove Buses for each residential unit.
- Public transport timetables and details
- Provision of a 2 year free membership to a Car Club
- Free £250 voucher towards the purchase of a bicycle or equipment (1 per household for each first occupier)

8.70 The need to provide a Residential Travel Information Pack and provide the items above should be secured via a S106 agreement.

8.71 **Other Considerations**

8.72 Land Contamination

A Phase 1: Preliminary Risk Assessment has been submitted as part of the application. It confirms that given the current and past use of the site as commercial buildings (including garages and an electrical substation) it is considered that there is a Moderate/High risk of the land representing a potential contamination source. The risk is considered to be mainly from possible localised spillages of hydrocarbons, and asbestos in the existing building material. Accordingly, the site will need a full investigation to determine the full extent of contamination, the best methods of removal and any necessary mitigation strategies. Appropriate conditions are recommended

8.73 Construction Environmental Plan (CEMP)

A condition is proposed requiring a CEMP in order to protect the amenities of local residents during the construction phase and details of proposed construction routes and necessary mitigation.

8.74 **Other Developer Contributions**

8.75 Education

A total contribution of £210,533.80 towards the cost of providing primary, secondary and sixth form educational infrastructure for school age pupils this development would generate has been requested by the Council's Education Officer. The primary school provision would be likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior School Holland Road, Goldstone Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. With regard to the secondary and sixth form provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools.

8.76 Local Employment Scheme

The Developer Contributions Technical Guidance provides the supporting information to request a contribution, of £35,600 through a S106 agreement, to

the Local Employment Scheme in addition to the provision of 20 percent local employment for the demolition and construction phases.

8.77 Public Art

City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of £37,000 (based on the internal gross area of development), in order to ensure that the proposal complies with the stated policies.

8.78 Open Space

The Developer Contributions Technical Guidance provides the supporting information to request a contribution, of £256,954.69 through a S106 agreement. This includes a £13,818.00 component towards indoor sports.

9. EQUALITIES

- 9.1 The scheme would provide for 40% affordable housing. Conditions can be attached to ensure that all dwellings are built to Lifetime Homes standards and that a minimum of 10% of the proposed affordable housing residential units and 5% of the overall housing units are required to be fully wheelchair accessible.

ITEM B

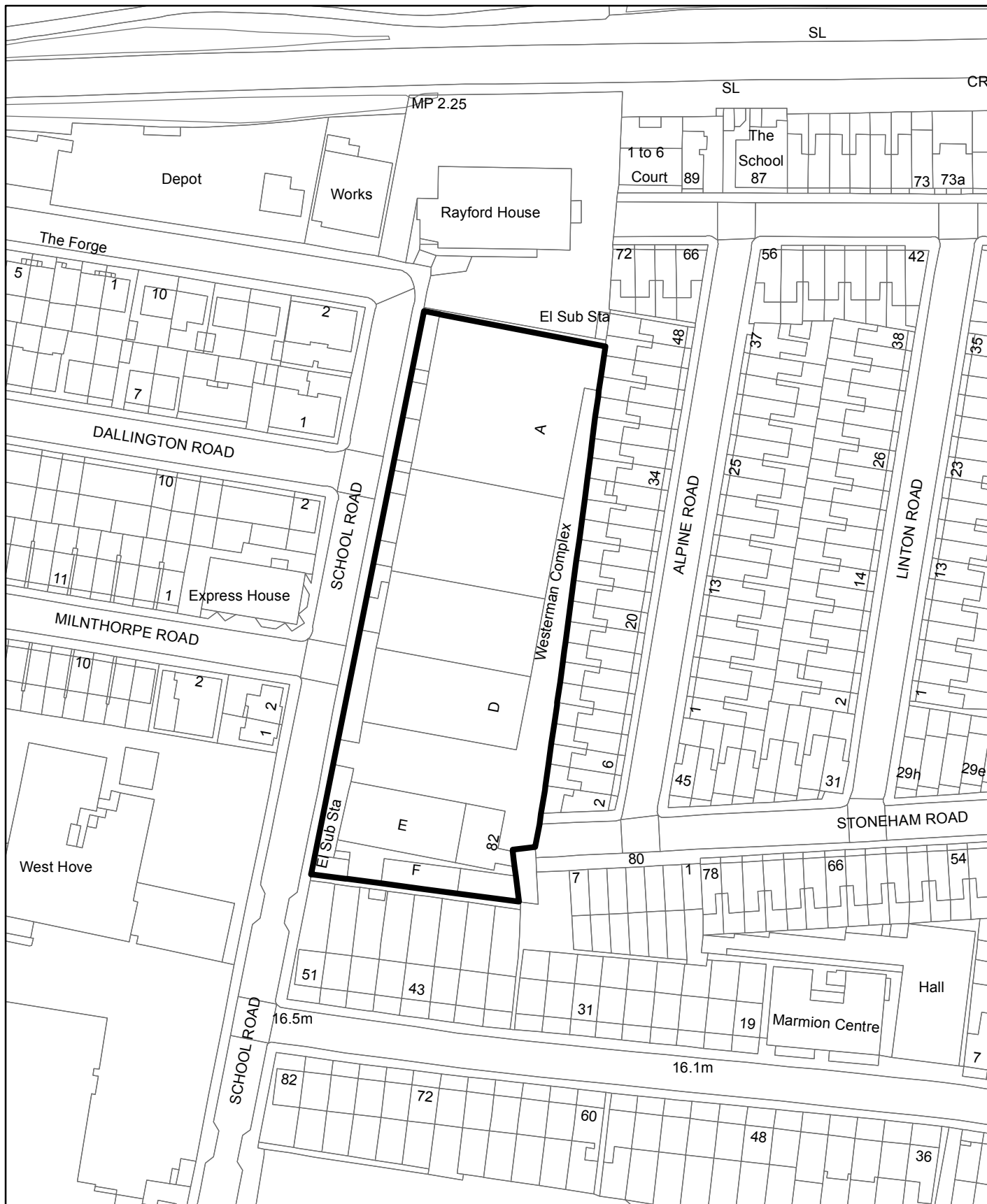
**The Coach House, 1- 6 Lions Gardens,
Withdean Ave**

BH2016/06478

Full Planning

DATE OF COMMITTEE: 12th July 2017

BH2016/02535 Westerman Complex, School Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2016/06478	Ward:	WITHDEAN
App Type:	Full Planning		
Address:	1-6 Lions Gardens and The Coach House Withdean Avenue Brighton		
Proposal:	Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.		
Officer:	Jonathan Puplett Tel 292525	Valid Date:	05/01/2017
Con Area:	N/A	Expiry Date:	06/04/2017
Listed Building Grade:	N/A		
Agent:	LCE Architects, 164-165 Western Road Brighton		
Applicant:	Brighton Lions Housing Society, Mr William Catchpole Lions Gate 95 Rowan Avenue Hove		

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 Conditions and Informatives as set out below:

S106 Heads of Terms

- 100% affordable housing (26 affordable rent one-bedroom units),
- A contribution of £5,700 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,700 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A scheme of Travel Plan measures which should include:
 - Travel Information Pack for all residents including details of walking, cycling and public transport routes and timetables;
 - Two years' car club membership for each first household.
- A contribution of £46,937 towards open space and indoor sport provision.

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
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SITE LOCATION PLAN	1000	A	09/06/2017
PROPOSED BLOCK PLAN	1001	A	09/06/2017
PROPOSED GROUND FLOOR PLAN	200	A	09/06/2017
PROPOSED FIRST FLOOR PLAN	201	A	09/06/2017
PROPOSED SECOND FLOOR PLAN	202	A	09/06/2017
PROPOSED ROOF PLAN	203	A	09/06/2017
PROPOSED ELEVATIONS	220	A	09/06/2017
PROPOSED ELEVATIONS	221	A	09/06/2017
PROPOSED OUTBUILDINGS	225	A	09/06/2017
PROPOSED SECTIONS	230	A	09/06/2017

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. Other than the balcony areas hereby approved, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) Samples of all external wall and roof finishes (brick and tile);
- b) Full details of all hard surfacing materials;
- c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);

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

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

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

- a) Details of all hard surfacing;
- b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
- c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One.

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

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

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has 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 and thereafter retained, other than any planting which 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. Any 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 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.

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

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

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
10. 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 and Hove City Plan Part One.
11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the proposed solar photovoltaic array to the roof of the building have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details and the solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the details shown on the approved drawings, no dwelling shall be occupied until a revised site layout showing a revised pedestrian access and demarcated route within the car park, and a revised layout for disabled parking bays has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the revised approved scheme. The vehicle parking area shown on the revised

approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not be commenced until details of electric vehicle charging points within the car parking area hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
15. The development hereby permitted shall not be occupied until full details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.
17. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
18. 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 as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 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 building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

19. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:
- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
 - ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

20. No development shall commence until details of the arboricultural consultant to be employed during construction works, in accordance with the arboricultural method statement submitted with the application, have been submitted to, and approved in writing by, the Local Planning Authority,. Such details shall include the name, employer, contact details and monitoring programme for the consultant. The development shall be implemented in accordance with the approved details. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

21. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4. Sewer records show a public sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. An investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & DESCRIPTION

- 2.1 The application site is 2225m² and is currently occupied by 6 bungalows arranged in two rows of joined units and a separate two storey house 'The Coach House'. The bungalows are social rented units of accommodation, the house is market housing.
- 2.2 There is one vehicular access to the site, from Withdean Avenue. The Coach House is set in its own, enclosed garden occupying about a third of the application site. The bungalows are arranged in an 'L' shape- one arm lying east-west and a little off the northern boundary with the other arm running north-south and lying close to the eastern boundary. Between the two arms of the 'L' is a lawn with some soft planting. The vehicular access gives on to a small area of hardstanding.
- 2.3 The existing bungalows date from the 1970s and are all one- bedroom units. Each existing unit is approximately 95m². The bungalows are of a conventional appearance with dual pitched roofs and with elevations in light buff brick and grey concrete roof tiles. The Coach House has 4 bedrooms and is in a neo-vernacular

style with red brick and red tile-hanging. The site is enclosed by close-boarded fencing to the west and south and a brick wall to the north and east.

- 2.4 The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. Some of these premises have vehicular access to Withdean Avenue, some do not. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side.
- 2.5 Immediately to the west and facing the whole of the west boundary is the site of a recent three storey residential building, comprising 8 flats- Ruston Heights. The building itself is approximately 4.5m off the boundary with Lions Gardens and runs for about half its length.
- 2.6 The northern boundary is to Hazeldene Meads- specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.

3. RELEVANT HISTORY

BH2016/00803: Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.

This application was recommended for refusal and an officer's report was published as part of the agenda for the Planning Committee meeting of the 3rd of August 2016. The applicant withdrew this application prior to the meeting taking place.

Application **BH2016/00803** was recommended for refusal for the following reasons:

- 1) *The proposed development, by reason of excessive footprint, scale, height and materials would constitute an inappropriate form of development that fails to respect the prevailing character of the surrounding area. The proposed development would therefore constitute an incongruous form of development that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.*
- 2) *The proposed building would, by virtue of its relationship with the boundary with 8 and 10 Hazeldene Meads to the north, give rise to a loss of amenity to the occupiers of those premises by means of:*
 - a) *The creation of an oppressive outlook, unable to be screened by planting due to the narrowness of the gap between the proposed building and boundary.*
 - b) *The creation of large second floor windows directly facing the gardens of 8 & 10 Hazeldene Meads giving rise to overlooking and the perception of overlooking, severely reducing the ability to enjoy the use of each garden.*

- c) *Giving rise to a loss of sunlight detrimental to the ability of the occupiers of 8 and 10 Hazeldene Meads to enjoy the use of each garden.*

The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.

- 3) *The proposed building would, by virtue of its relationship with Ruston Heights to the west give rise to the creation of an oppressive outlook for residential occupiers of that building, unable to be screened by planting due to the location of a mobility scooter and cycle storage facility in the intervening space. The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.*
- 4) *No planting details or analysis of the impact of the proposed building on trees in immediately surrounding premises has been submitted, in the absence of which the applicant is unable to demonstrate that adequate mitigation of impacts of the proposal on the appearance of the streetscene, residential amenities of neighbouring properties and nature conservation interests will be undertaken. The proposal does not, therefore comply with policy QD15 of the Brighton & Hove Local Plan.*

4. THE APPLICATION

- 4.1 The application has been submitted following the withdrawal of previous application **BH2016/00803**. Discussions between the applicant and officers took place at this time. The current scheme was not submitted for formal pre-application advice and was not presented to members at pre-application stage.
- 4.2 During the course of the application, amended drawings have been submitted in response to concerns raised by officers. These concerns related to the overall design of the buildings and their forms, and impacts upon neighbours to the north and east of the site (Hazeldene Meads and Withdean Road). The amendments submitted removed roof dormers proposed to the north and west facing roofslopes, reduced the first floor windows proposed to the north and east elevations, and reduced the north and east facing roof forms from flat roofs to pitched roof forms. Alterations to the detailed design and finished of the building have also been proposed such as the patterned brick area and the introduction of further green wall features.
- 4.3 Planning permission is sought for the demolition of the existing site buildings and the erection of a part two, part three storey residential building comprising 26 flats with associated landscaping, 14 parking spaces (including two disabled bays) and cycle and mobility scooter store. All the units would be 1 bedroom and all would be 'affordable rental'. There would not be any communal facilities except two small 'service' rooms. The applicants have advised that the criteria for consideration for a tenancy is:
- (i) Over 55 years of age.
 - (ii) Must have lived in Brighton & Hove for at least 5 years.
 - (iii) Must have less than £16,000 in savings or assets.

The rent for each property would be set at a maximum of 80% market rate.

- 4.4 The applicant, the Brighton Lions Housing Society is a Registered Provider (governed by the Homes & Communities Agency) - it is affiliated with Lions International- a members club of volunteers involved in carrying out a wide range of charitable causes world-wide. The charity has run a housing programme in the city since 1961 and advises that it currently has 111 flats and 6 bungalows in the city.
- 4.5 The floor plan of the proposed building is T shaped with smaller projections from the northern and eastern sides of the building. The building is two storeys with roof level accommodation proposed served by gable windows and roof dormers. The building has a tiled pitched roof form other than a small flat roofed link building. The walls would be finished in brick with patterned sections, windows and doors are grey framed. Dormers would be finished in standing seam zinc. A car park area and soft landscape areas are proposed.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Thirty-six (36) letters of representation have been received objecting to the application for the following reasons:

- The level of parking provision is insufficient to cater for occupants, visitors and carers, the development will result in overspill parking.
- The building would cause overlooking and loss of privacy,
- The building would cause overshadowing and loss of light to neighbouring residential premises including gardens,
- Noise and disturbance from increased traffic movements
- The appearance is out of character
- It would give rise to pedestrian safety issues and highway safety issues on Withdean Avenue given the current level of on-street parking.
- The proposal is out of scale / out of character with its surroundings
- The development is too close to the boundary with Hazeldene Meads and Ruston Heights
- Would be liable to harm trees in adjoining premises and therefore reduce screening of the proposed building.
- The proposed building is too large; it would harm the outlook from neighbouring properties / be overbearing.
- The proposal is an overdevelopment of the site.
- The proposed fencing and planting would not adequately screen the proposed building.
- The proposed additional access for mobility vehicles would be dangerous.
- Trees within the site along the western boundary were removed in 2016 prior to planning applications being submitted. These trees could have provided some screening between the proposed building and Ruston Heights.
- The submitted visualisation drawing showing a view from Hazeldene Meads is not accurate.

- The nearest GP surgery is very busy and is not currently accepting new patients.
- There is a historic boundary wall along the western side of the site and the proposed development may damage this wall or require its demolition; this is not acknowledged in the application submission.
- There are TPOed trees in the gardens of neighbouring properties which could be impacted by the development.

5.2 **One (1)** letter of representation has been received supporting the application

5.3 **Councillor Nick Taylor:** Objects to the application.

5.4 **Councillor Ann Norman and Ken Norman** jointly object to the application.

5.5 Copies of the letters are attached at the end of the report.

5.6 **Following the submission of amended drawings, neighbouring occupiers have been re-consulted. In response to this consultation;**

5.7 **Five (5) further letters of representation have been received objecting to the application for the following reasons:**

- The objections previously raised still stand.
- 26 flats is too many for the site; a smaller development of 10-12 flats would be more appropriate.
- The proposed development would harm the outlook from neighbouring properties.
- The proposed development would result in additional traffic; Withdean Avenue is already a busy cut through road which is narrow and there are already issues with parking. There is still inadequate parking both on site and in the adjoin roads.
- The appearance of the development is unattractive and will result in considerable loss of light and privacy on the adjoining Ruston Heights.
- The scale of the proposed building is inappropriate.
- The development would result in additional noise disturbance.
- The proposed front windows will result in additional overlooking neighbouring properties.
- The bin store should be located closer to the entrance as it is placed below the windows of the east side of Ruston Heights where there could be noise from depositing recycling and possible smells could drifting out, and that could free up two more parking spaces.
- The proposed flats will be small and cramped.
- The proposed building would be dominant when viewed from neighbouring properties.
- The proposed development will be challenging for emergency services to access.
- Approval of the proposed development would set an unwelcome precedent for the redevelopment of other plots in the area which could involve the loss of mature trees.

5.8 **Sussex Police:** Comment

Summary of comments in respect of previous application **BH2016/00803**:

The scheme would allow good levels of observation across the development and boundary treatments delineating public and private space; note access control for the two main entrances. Suggest further security measures inc. video door entry, controlled gated entrance and enclosure of cycle/mobility scooter parking.

5.9 Comments on current application:

I have commented upon a previously withdrawn development for 28 dwellings at the above location within my comments of PE/B&H/16/038/A of 06th June 2016. These comments remain extant, however I would like to add the following.

5.10 I was pleased to note that the applicant or their agent has addressed my concerns about the open fronted cycle store and created a covered store with doors to the front. May I further ask that this facility is subdivided to create individual stores, as at present access is available to all internal areas from any of the front entry doors.

5.11 In order to provide the residents with private space to the rear of the building, I recommend that low bow topped railings complete with gates, are installed. This would clearly demarcate the private and semi-private space to visitors and assist in removing unauthorised access to vulnerable ground floor windows.

5.12 I recommend that lighting is installed around the communal entrances, parking and public areas and is to conform to the recommendations within BS 5489:2013.

5.13 **East Sussex Fire & Rescue Service: Comment**

Comment on previous application **BH2016/00803**: Ensure that access, in accordance with the Building Regulations be provided such that a pump appliance may be within 45m of each flat.

5.14 **Brighton & Hove Archaeological Society: Comment**

Local Roman and Palaeolithic finds and recommend county archaeologist advice sought.

5.15 **ESCC County Archaeologist: Comment**

Comments on previous scheme **BH2016/00803**: Advise that the site has archaeological potential and thus that any permission should be subject to a requirement for a programme of archaeological works to be undertaken.

5.16 **Southern Water: Comment**

Sewer records show a public sewer within the site (map provided). The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

5.17 Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer

- 5.18 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.19 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- 5.20 Specify the responsibilities of each party for the implementation of the SUDS scheme
Specify a timetable for implementation
Provide a management and maintenance plan for the lifetime of the development.
This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.21 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- 5.22 **County Ecologist: Comment**
Comment on previous application **BH2016/00803**: It is considered that the proposal is unlikely to impact on sites designated for nature conservation purposes and absence of records of notable or protected species on the site. Consider that opportunities for enhancement for nature conservation can be pursued through a landscaping scheme. Advise that works involving demolition or tree/scrub removal be carried out outside of the breeding season.
- 5.23 **Internal:**
- 5.24 **Arboriculture: Comment**
The Proposal will require demolition, excavation and construction work within the root protection zones of a number of trees. Limited information or assessment of the likely impact of these works has been submitted with this application. Nevertheless the scheme appears to be technically possible and provided consent is granted subject to a number of conditions the Arboricultural Team have no objection to these proposals.
- 5.25 Recommend approval subject to conditions to secure an Arboricultural method statement and supervision of works.
- 5.26 **CityClean: Comment**

Comment on previous application BH2016/00803: The applicant should provide for 6 x 100 bins, the collection vehicles would be able to access the site.

5.27 Sustainability: Comment

As a major residential development, this scheme is expected under Policy CP8 Sustainable Buildings to achieve a minimum of 19% reduction in carbon emissions against a Part L 2013 compliant dwelling, and a water efficiency standard of 110lites/person/day. The application commits to achieving both of these standards and therefore in principle complies with the overarching building standards expected.

5.28 The application includes an Energy Statement and a complete Online Sustainability Checklist. Detail provided in these documents shows other aspects of sustainability policy have been reasonably well addressed.

5.29 Positive aspects of the approach to energy performance is primarily delivered through a fabric-first approach to design and the provision of renewable energy, proposals for a solar photovoltaic array of 11kWp (77sqm); natural, efficient building fabric and insulation standards; good levels of air tightness; efficient building services including community heating system using a gas based system; low-energy lighting.; and provision of 1 electric vehicle charging point.

5.30 The development is not in an area where opportunities for heat networks have been identified; therefore whilst the scheme includes a site-wide heating system, plans need not be expected to provide capacity for future connection to a heat network.

5.31 It is welcomed that the scheme includes some proposals for food growing. The Sustainability Checklist entries indicate this will include; a community food growing area of 60sqm; 9sqm of raised beds (shown on Landscape Masterplan; fruiting shrubs; soil prepared to BS Top Soil Standard; composting provision; and a gardener will oversee facilities. On closer inspection, there is little detail about food growing, and opportunities to include productive planting has not been followed through. The 'fruiting shrubs referred to, consist of proposals for just one blackcurrant bush. More edible planting could have been incorporated into tree, shrub and herb planting.

5.32 The scheme could be improved through greater use of sustainable materials in particular timber procured from certified sustainable sources.

5.33 The photovoltaic panels referred to in the Energy statement and the Sustainability Checklist do not appear to be shown on the roof plan or the south facing plans. It is therefore recommended that the applicant be asked to submit amended drawings identifying where these panels will be indicated.

5.34 It is recommended that any condition to secure the landscaping plans include reference to the raised beds shown on the landscape Masterplan. Standards conditions:

- Energy efficiency (19% reduction in CO₂) and water efficiency standards (110l/p/day)

5.35 Planning Policy: Comment

The Policy comments made in respect of application BH2016/00803 still stand (as set out below).

- 5.36 The site lies within the built up area within an Archaeological Notification Area. It lies adjacent a number of sites covered by Tree Preservation Orders (TPO's). The proposal will demolish the existing 7 dwellings and replace with 28 one bed flats. The applicant indicates all units will be affordable housing for more mature residents (over 55's indicated).
- 5.37 City Plan Policy CP14 Housing Density seeks new residential development to make full, efficient and sustainable use of land. It expects residential development to achieve a minimum net density of 50 dwellings per hectare (dph) provided it contributes positively to creating or maintaining sustainable neighbourhoods and that the criteria specified in the policy can be satisfactorily met.
- 5.38 City Plan Policy CP20 Affordable Housing seeks at least 40% onsite affordable housing provision for schemes over 14 net units which should be of mixed tenure and size. Subject to the proposed 'affordable' provision meeting the definition of affordable housing the proposed provision of 100% affordable is something that can be supported in principle.
- 5.39 Policy CP20 also seeks a mix in affordable housing tenure and unit size (the latter is also sought via policies SA6, CP14 and CP19). There does not appear to be a proposed mix in affordable tenure, all units appear to be for rent at a maximum of 80% market rate. Whilst it is acknowledged the applicant proposes to provide accommodation for more mature/over 55 residents no substantive evidence has been submitted to justify why a mix in unit sizes is not proposed. Many older people may have family and carers requiring overnight accommodation and couples may prefer separate rooms. The merits of this scheme, especially in regard to the lack of mix in size and affordable tenure, should be checked with Private Sector Housing.
- 5.40 Within a new build scheme it is expected all units would be designed to have access to useable private amenity space. In general, this means as a minimum the provision of a private terrace or balcony that offer sufficient space to readily access and accommodate a table to two chairs with turning space for a wheelchair. Whilst it is acknowledged the proposal seeks to provide communal outdoor and potential food growing space and laundry facilities the lack of private amenity space for all units should be justified for this new build developments to ensure it appropriate regard is given to policy HO5.
- 5.41 In addition to private amenity space policies CP16 and CP17 require all new residential development to provide public open space commensurate to the demand generated by the development in accordance with the local open space standards. Where this cannot be provided on-site then alternative and/or contributions towards off-site provision is required. Depending on the minimum age of proposed occupants part or all of a 'generated' demand for children's equipped play space may not apply. However unless it can be demonstrated a demand will not be generated the development should seek to provide all other open space requirements (eg allotment/food growing; parks and gardens, sport, amenity greenspace, natural/semi-natural space).

- 5.42 The applicant indicates all units will meet lifetime home standards. It is important provision appropriately complies with policy HO13. Regard to biodiversity, archaeology, surrounding TPO's, design, amenity and transport in accordance with the respective planning policies should also be taken into account and will be subject to comment from other consultees and on-site assessment.
- 5.43 **Sustainable Transport: Comment**
Comments on the applications as originally submitted:
- 5.44 **Pedestrian Access**
A dedicated pedestrian access will be provided meaning that pedestrians are not required to share the main access with vehicles as is the case at present. It is noted that this is not on the desire line for those travelling from Dyke Road Avenue and the associated bus stops meaning that residents may consequently choose to use the vehicle access. However, as vehicle speeds will be low, the number of vehicles entering and exiting the car park is not expected to greatly increase over existing levels and a dedicated pedestrian access is provided for those who choose to use it, the proposal is considered acceptable.
- 5.45 The design of the pedestrian route once it meets the car park is unclear and no demarcation is shown on the submitted plans. It is recommended that a pedestrian route along the perimeter of the building be marked in a contrasting material to the main parking and vehicle circulation area. Although it is noted that vehicles are likely to overrun this space when manoeuvring in the car park, this will help to ensure that a complete pedestrian route is provided and that the presence of pedestrians is clear. It is recommended that such details be obtained by means of a car park layout condition.
- 5.46 In addition, it is recommended that a condition be attached to secure the proposed works on the public highway to construct a link between the on-site pedestrian route with the existing footway on Withdean Avenue. The applicant should also be informed that they will need to apply for a highway works licence before undertaking these works through which all detailed design details will be agreed.
- 5.47 Pedestrian routes between the development site and local facilities would benefit from additional dropped kerb provision in places whilst nearby bus stops on Dyke Road/ Dyke Road Avenue are not equipped with accessible kerbs. In addition, pedestrian access to and from the northbound stop at Woodruff Avenue is not ideal for mobility impaired users given the lack of dedicated crossing or pedestrian refuge with dropped kerbs in close proximity; however, the stop at Hazledene Meads is served by a crossing. Although the latter is slightly further from Withdean Avenue, it is considered that this is within walking distance of the site and provides a reasonable alternative.
- 5.48 **Vehicle Access**
The existing vehicular access is to be retained and as such no works are required on the public highway in this respect. However, as noted above, the Highway Authority would recommend that further details of the design, particularly in respect of a demarcated pedestrian route within the car park are obtained by condition.

- 5.49 The vehicle access is less than the 4.1m recommended by Manual for Streets for two vehicles to pass (c.3m). This may mean that it is necessary for vehicles to reverse out on to the carriageway or into the car park should vehicles enter and exit simultaneously. This situation would not be ideal; however, it is noted that the access is existing and the relatively small number of parking bays (ten- see comments below) means that the likelihood of vehicles passing is reduced. On this basis, no objection is raised in this instance.
- 5.50 There is a central area within the car park which is shown on the submitted plans as hatched. This would provide an area for vehicles to turn without needing to reverse on to the public highway should they enter the car park when it is full.
- 5.51 **Servicing**
Day-to-day servicing to a development of this nature is likely to be by smaller delivery vehicles. It is considered that the turning area referred to above would be sufficient to accommodate the majority of such activities on site.
The submitted Transport Statement notes that refuse collection will take place from the highway. Whilst this is not opposed in principle, the bin stores are located some distance from the site access. It is therefore recommended that the case officer consult with City Clean on the proposals.
- 5.52 **Car Parking**
The applicant is proposing ten parking spaces, two of which are allocated to disabled users. SPD14 does not provide a category for dwellings for the elderly. It is understood that the applicant is applying for residential units and therefore the C3 category could be applied. In this location, the following maximum provision would be permitted:
- 1 space per unit = 26
 - 1 space per two units for visitors = 13
 - Total = 39
- 5.53 However, it should be highlighted that this is a maximum and lower levels are permissible. In addition, whilst the units will be able to be occupied by those aged from 55, who may be more likely to own and use cars, it is understood that the typical age of residents would be substantially older than this. Therefore, there needs to be a balance between ensuring that an appropriate level of provision is provided to meet demand without providing excessive levels of parking. By means of comparison, were the C2 Residential Institutions category to be applied when assessing the level of car parking provision, the maximum permitted would be:
- 1 space per 3 staff = 0 (Planning Statement indicates no staff employed)
 - 1 space per 8 residents = 4
- 5.54 SPG4, which was the adopted standard at the time of the pre-application comments and recently withdrawn application (BH2016/00803), provided a standard for 'dwellings for the elderly'. This would have allowed one space per two units or 13 spaces in this instance. Whilst this standard is no longer applied, it does illustrate that the level of provision proposed by the applicant achieves an appropriate balance

between the C3 and C2 categories and is considered reasonable when taking account of the nature of the proposed development.

- 5.55 The applicant does not appear to have forecast likely future car ownership; however, 2011 Census data indicate that 20% of households within the Withdean ward do not have access to a car, with average car ownership levels of 1.2 per household. Taking flats alone, 35% of households do not have a car whilst 51% have access to one car. 14% have two or more cars, comparing to a ward average of 32%. It is reasonable to expect that retirement properties alone would have car ownership further below the ward average for flats and it is considered that multiple car ownership is less likely. Nevertheless, assuming that 51% of future households at the proposed development have one car would equate to a parking demand of 13 vehicles, three more than the number of proposed car parking spaces.
- 5.56 The applicant has submitted on-street parking surveys which have been undertaken in accordance with the Lambeth Methodology, repeated on two weeknights (March 2016). This is considered acceptable and in accordance with that applied by the Highway Authority. The survey indicates that there is spare capacity on roads surrounding the site of between 54% and 58%, amounting to between 37 and 34 available spaces. However, this includes some restricted spaces or parts of a Controlled Parking Zone which will not be available to future residents of the development. Taking the unrestricted spaces alone, spare capacity is approximately 45-52% (14-16 spaces). It is noted that some inconsiderate parking has been observed on Withdean Avenue and that this would obstruct the footway for mobility impaired users. However, whilst this would be the most likely location for overspill parking to occur, it is not considered that this would in itself be a reason for refusal as anyone causing an obstruction to the footway would be committing an offence which would be enforceable. The northern footway serving the development site is however unaffected by such parking. In summary, the Highway Authority would conclude that there is capacity to accommodate the forecast overspill of three cars, even if the spare capacity may in practice be less than that indicated upon first inspection of the survey data.
- 5.57 In addition, the applicant has committed to a scheme of Travel Plan measures, including travel information and car club membership for all households which will help to provide and promote alternatives to car ownership.
- 5.58 It should also be acknowledged that the National Planning Policy Framework (NPPF) states that applications should only be refused on transport grounds where the impacts are deemed to be 'severe'. The Highway Authority would not consider this to be the case when the above calculations and proposed mitigation are taken into account.
- 5.59 Disabled Car Parking For residential uses, SPD14 requires one space per wheelchair accessible unit or three bays for residential institutions. The applicant is proposing two spaces; however, there would appear to be scope to provide a third space, for example by relocating parking south and providing an access zone to the south of bay 1. It is therefore recommended that further details be obtained through the car park layout condition.

- 5.60 The proposed layout is compliant with Traffic Advisory Leaflet 5/95 applied by the Highway Authority which requires a 1.2m access zone on both sides of the bay.
- 5.61 **Electric Vehicle Parking**
For residential uses with ten or more parking spaces, SPD14 requires 10% of spaces to have electric vehicle charging points and a further 10% to have passive provision to allow the installation of further charging points as required in future. It is therefore recommended that further details be obtained by condition.
- 5.62 Cycle Parking SPD14 requires one cycle parking space per dwelling, equivalent to 26 for the proposed development, plus one per three dwellings (nine) for visitors. The proposals indicate that nine spaces will be provided alongside mobility scooter storage. Lower levels of cycle parking than the SPD14 minimum for C3 residential uses may be appropriate in this instance given the nature of the proposed development and therefore no objections are raised on this occasion to the proposed level of provision. However, the design is unclear and it is therefore recommended that further details be obtained by condition.
- 5.63 In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.
- 5.64 Trip Generation
The replacement of the existing development of seven dwellings (six bungalows) with 26 residential units for the over 55s would be expected to lead to an increase in the number of person trips.
- 5.65 Using the standard contributions methodology outlined in the council's Developer Contributions Technical Guidance, the sustainable transport contribution required would be £11,700. This will be allocated towards:
- Bus stop accessibility improvements at the Woodruff Avenue or Hazeldene Meads bus stops on Dyke Road/ Dyke Road Avenue; and/or
 - Pedestrian route improvements between the site and local facilities including, but not limited to, Preston Park Railway Station and Matlock Road shops. This is in order to serve the needs of those accessing the site on foot and by public transport in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9.
- 5.66 In addition, it is recommended that a scheme of Travel Plan measures be secured in order to mitigate the impacts of the development, including additional on-street parking demand, and to promote sustainable travel in accordance with Brighton & Hove Local Plan policy TR4. This should include:
- Travel Information Pack for all residents including details of walking, cycling and public transport routes and timetables;
 - Two years' car club membership for each first household.

- 5.67 The Transport Statement confirms that the applicant is agreeable to the above measures and a draft Travel Information Pack has been submitted.
- 5.68 **Additional comments following the submission of an amended scheme submitted 9 June 2017:** Awaiting comments.
- 5.69 **Environmental Health: Comment**
There is no contamination shown on our database associated with this site. Controls should be devised and agreed prior to commencement to ensure that noise and dust from demolition and construction is minimised and compliant with the Control of Pollution Act 1974; the applicant may wish to apply for a Section 61 permit to work prior. BS8233:2014 should also be used to ensure Best Practicable Means are adopted in relation to environmental controls. Please note that dust controls are also enforced by the Environmental Protection team using the Environmental protection Act 1990 sections 79 & 80.
- 5.70 **Private Sector Housing: Comment.**
Comment on previous application BH2016/00803: Overall Housing support this scheme subject to the Nominations Agreement / Local lettings Plan being put in place through a S106 Agreement, and provision of wheelchair accessible units to the correct standard.
- 5.71 **Education: Comment**
This is a development of 1 bedroom apartments for people aged over 55. Consequently it is unlikely that there will be any impact on the school age population as a result of this development.
- 5.72 **City Regeneration: Comment**
City Regeneration supports this application as the development of 26 dwellings (actual gain of 19 dwellings following demolition) intended for independent living for mature residents, 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 £5,700 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance. The developer should also commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).
- 5.73 **Flood Risk Management Officer: Comment**
Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below: 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 as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 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 building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 5.74 **Public Art: Comment**
No contribution is sought in this case due to the scale of the development proposed.

6. MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- 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
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure

QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO9 Residential conversions and the retention of smaller dwellings
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.

8.2 Background

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 Principle of Development

The existing six bungalows are of a prosaic 1970s design and there is no architectural or historic building rationale to seek their retention. The Coach House is a pleasant 20th Century building but of no particular merit and there is no reason to seek to keep it in the context of a redevelopment scheme.

8.4 The surroundings to the application site are wholly residential and there are no planning policy reasons why the principle of residential redevelopment here should not be acceptable. The form of development in the vicinity is a typical range of suburban types including bungalows, detached, semi-detached and terraced housing. Whilst there are not a great number of flatted developments there are some, including the neighbouring development to the west, Ruston Heights, a three storey building comprising 8 flats approved in 2004. It is not considered that there would be a legitimate 'character' rationale to object to apartments on this site.

- 8.5 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.6 The development is 116 dph, clearly well above the 50 dph minimum sought and certainly above the prevailing densities of adjoining sites. The policy does not include a maximum quantitative density to be sought. The criteria set out under this policy are considered under the relevant sections in this report for amenity, standard of accommodation etc. The proposed dph is in itself is not unacceptable in its context, it is however of importance to consider the proposal with regard to criteria set out in Policy CP14.
- 8.7 Policy CP20 requires the provision of a minimum of 40% on-site affordable housing for developments of 15 or more units. In this case the applicant is a registered provider and would be offering all the units at an affordable rent- which is defined in the City Plan as being rent control requiring the rental level not to exceed 80% of market rent.
- 8.8 Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city, albeit a flatted development in a city centre / close to centre location would be expected to deliver a greater proportion of smaller units. In this case 26 one-bedroom flats are proposed which is not a profile of unit sizes which would usually be supported. The accommodation proposed however does meet a specified need as set out in the applicant's supporting documents.
- 8.9 The housing is targeted at 'early retirees' would may look to downsize but wish to retain the independence of self-contained accommodation and who do not require substantial support. A need for this type of accommodation is identified in the Council's Objectively Assessed Need for Housing Report (June 2015):
- 8.10 *'Within the different models and assumptions made regarding the future need for specialist retirement housing (normally defined as a form of congregate housing designed exclusively for older people which usually offers some form of communal space, community alarm service and access to support and care if required), there may for example be an option to substitute some of this specialist provision with a mix of one and two bedroomed housing aimed to attract 'early retired' older people which could be designated as age specific or not. Such housing could be part of the general mix of one and two bedroom homes but built to Lifetime Homes standards in order to attract retired older people looking to 'down size' but perhaps not wanting to live in specialist retirement housing.'*

- 8.11 There is therefore considered to be a need for one and two bedroom units of this type. This profile of unit mix contrasts with market housing needs where a priority for delivering two and three bedroom units has been identified.
- 8.12 Overall the proposal for one-bedroom units only is of concern as this does not reflect the housing needs of the city and in regard to a typical housing scheme would not be supported, and even in a retirement age targeted development a mix of one and two bedroom units would be sought. In this case however, substantial weight is given to the fact that the provider is proposing 100% affordable housing provision. Therefore, whilst a typical development, with at least 60% market housing would be expected to deliver a mix of housing unit sizes, in this case, as an overall assessment, giving weight to the 100% affordable provision proposed, a scheme of 26 one-bedroom flats is considered to be acceptable.
- 8.13 **Design & Appearance**
The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.14 The character of Withdean Avenue is not so much defined by its buildings as by its rather arcadian appearance. The south side of the road is the ends of gardens (bar Missenden Lodge at the Dyke Road end) and the north side has a grass verge and mature street trees. The existing properties on the north side are all well set back from the road frontage and all have significant planting lining the back edge of pavement.
- 8.15 The proposed application building is set back a minimum of 14m from the road. Substantial planting is in situ to the southern end of the site which would screen / soften the appearance of the proposed building to some extent and a full landscaping scheme which would include new planting is recommended to be secured by planning condition. The front of the proposed building has a 2 / 3 storey appearance with a large section of glazing to the gable of the roof. The proposed main building is a T-shape with smaller additional projections to the north and east elevation. Proposed materials are brick faced walls with patterned brick areas, tiled roofs, standing seam zinc faced dormers, and grey framed windows and doors. The building is two storey in character with some roof level accommodation proposed in the gable-end roof forms served by dormers to south and west facing roof slopes.
- 8.16 The scheme previously proposed (under application BH2016/00803) was a bolder design with partially metal clad walls and a number of staggered mono-pitch roof forms. This scheme also had a substantial three storey element. It is considered that the current proposal would sit more in keeping with the prevailing character of the surrounding area due to the forms and materials proposed. The proposed building is of a greater scale than many of the dwellings in the surrounding area, it would however be set back substantially from the street frontage which helps a building of such scale sit comfortably in the Withdean Avenue street scene. The Rushton

Heights building to the west of the application site has a similar relationship with the street frontage.

8.17 Overall it considered that the proposed development would have a positive impact upon the Withdean Avenue street scene and would meet the design objective of local and national planning policy. In particular the requirements of policy CP14 in respect of development which is of a higher densities than those typically found in the locality, it is considered that the development would be of a high standard of design and would help to maintain a coherent townscape, and would respect the character of the neighbourhood and contribute positively to its sense of place

8.18 **Standard of Accommodation**

The proposed one-bedroom flats provide a kitchen / living room area, bedroom and bathroom. All are of adequate size and would provide usable living areas and circulation space. The flats would benefit from good quality outlook and natural light levels. It is noted that all of the flats meet or exceed the minimum size (50m²) set out in Government's 'Technical housing standards – nationally described space standard' document (March 2015). The flats have been designed to meet lifetime homes standards and whilst these standards are now obsolete, optional building regulation access standards are recommended to be secured by planning condition along with the provision of at least 5% wheelchair accessible units.

8.19 Retained Brighton & Hove Local Plan policy HO5 seeks that new residential developments provide private useable amenity space 'where appropriate to the scale and character of the development'. The ground floor units proposed have direct access to garden space; the precise layout of these spaces and whether they would be formally delineated would form part of a detailed landscaping scheme which it is recommended be secured by planning condition. A communal garden area is proposed to the southern end of the site which would be of benefit to all future occupiers. The first and second floor units proposed do not have private outdoor amenity space, in this case however features such as usable balcony areas and terraces could cause harm to the privacy of neighbouring occupiers and would not therefore be appropriate.

8.20 Refuse, cycle and scooter storage are proposed to be located in single storey structures accessed from the car park area of the development.

8.21 Overall it is considered that the proposed development would provide an acceptable standard of accommodation in compliance with Policy QD27 and the core planning principles of the NPPF.

8.22 **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.

- 8.23 It is noted that representations in relation to this application have been received from occupiers from each of the adjoining sides of the application site and it is appropriate to look at each.
- 8.24 Tivoli Crescent North is the road parallel to Withdean Avenue, whose gardens back on to that road- and to its south. The nearest habitable rooms in premises here are approximately 28m from the application site boundary to Withdean Avenue. The proposed building is 14m to the rear of this. Several of the upper floors of these two storey houses have views over the site and the view would be materially altered by the proposed building. However a view per se cannot be protected and the distances between houses here and the proposed building are such that whilst some additional overlooking would be caused; significant harm would not result.
- 8.25 To the east the application site is bounded by the ends of gardens of five Withdean Road properties. The gardens are comparatively long, the shortest building rear elevation to site boundary distance being 23m. Some of these properties benefit from tree screening to the rear of their gardens; others are more exposed such as no. 3 Withdean Road. The scheme as originally submitted under this application proposed a two storey flat roof structure projecting towards these properties, the end of the structure had two windows proposed. Roof dormers were also proposed facing towards these properties. The amended scheme now proposed reduces the flat roof to a pitched roof form, the windows to the end of the projection have been removed, the roof dormers have been removed, and the first floor windows to the main building have been reduced. Overall, whilst the proposed building will have a substantial visual impact and will result in some additional overlooking, it is considered that significant harm would not be caused to these neighbouring occupiers.
- 8.26 The application site is bounded to the west by the site of Ruston Heights a part three, part two storey apartment block comprising 8 flats. Its east elevation facing the application site is in a single plane and faces the site for a length of 31m. The building is mainly 3 storey, but with a two storey section at the north end. Ruston Heights is 5m from the mutual boundary. At its nearest point the proposed building is 3.2m from the boundary- this is the three storey part. There is a substantial amount of fenestration on the upper levels of Ruston Heights facing the application site, including large windows clearly serving habitable rooms.
- 8.27 The proposed development contains a substantial number of windows facing west and this will result in a reciprocation of the current relationship where windows of the Rushton Heights block face into the application site. Overall as the resultant situation would be mutual overlooking between the properties, and the flank of the main building proposed is set at a significant distance (16 metres) from the flank of Rushton Heights, it is considered that significant harm to privacy would not be caused. The first and second floor windows to the end of the side projection from the main building proposed are high levels windows which would not harm privacy.
- 8.28 The bulk of the main building proposed, at a 16 metre distance, would not have an overbearing impact upon residents of Rushton Heights. The side projection proposed is set closer at 8 metres distance, however given this distance and the size of the proposed structure (2 storey with a gable end roof) it is again considered that an overbearing impact would not result.

- 8.29 At the north end the site is adjoined by 8 and 10 Hazeldene Meads, two storey houses, whose gardens directly abut the site boundary. At its nearest the house at no.8 is 14m from the boundary and for no. 10 the distance is 21m. The main building proposed is 11m from the boundary of the site with the rear projection closer at 5 metres. The scheme as originally submitted under this application proposed a two storey flat roof structure projecting towards these properties, the end of the structure had four windows proposed. Roof dormers were also proposed facing towards these properties. The amended scheme now proposed reduces the flat roof to a pitched roof form, the windows to the end of the projection have been removed, the roof dormers have been removed, and the first floor windows to the main building have been reduced. Overall, whilst the proposed building will have a substantial visual impact and will result in some additional overlooking, it is considered that significant harm would not be caused to these neighbouring occupiers.
- 8.30 Overall, it is acknowledged that the proposed building due to its scale will have a substantial visual impact, some additional overlooking and overshadowing would result. The occupancy of the proposed development would result in an increased level of activity. It is however considered that the level of activity would not be beyond that reasonably expected in a residential setting, and as detailed above the direct impacts of the proposed building upon neighbouring occupiers have been fully assessed and it is considered that significant harm would not be caused.
- 8.31 **Trees, Landscaping & Ecology**
There are no protected trees on the application site, but it does contain a number of ornamental trees, mainly in the grounds of the Coach House. It is proposed that some small specimens would be removed; this loss could however be mitigated through a landscaping scheme which is recommended be secured by condition. There are protected trees in neighbouring sites; the Arboriculturalist has however confirmed that these trees would not be harmed by the proposed development. The trees on site which are to be retained and the trees in neighbouring sites alongside the boundary can be protected during construction works and full details of protection measures are recommended to be secured by condition.
- 8.32 The overall landscaping approach is considered acceptable subject to a detailed scheme and all boundary treatments being secured by condition. The County Ecologist has not identified any particular conservation interest on this site but commends that nature conservation measures be incorporated into a landscaping scheme. This is considered acceptable as a condition in the event of an approval.
- 8.33 **Sustainable Transport**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.34 The site is in a well-connected location with the town centre and links to outside of the city in close proximity. Bus services to the city centre are available on Dyke Road.

- 8.35 In regard to parking demand, the proposed criteria for occupancy, in particular the age and means restrictions have some bearing on likely behaviour including car ownership. It is understood that although the threshold age for occupancy is over 55 that the average age of occupiers of their existing properties is considerably higher. It might be noted that whilst there are census figures for car ownership at a local level these are not broken down by age of owner.
- 8.36 The amended scheme submitted proposed 14 parking spaces 2 of which are disabled spaces. Cycle and scooter parking is also proposed. The Transport Officer's comments on the scheme as originally submitted under this application, which comprised 10 parking spaces 2 of which were disabled bays, were supportive. On-street parking surveys have been submitted by the applicant and whilst they are night-time surveys (as per standard methodology), and do not therefore take account of daytime demand, these surveys demonstrated some capacity in surrounding streets. Furthermore the projected overspill parking associated with the original scheme would be accommodated within the additional spaces now proposed. Projected car ownership is 13 vehicles and 14 spaces are now proposed.
- 8.37 The proposed development would result in additional trip generation and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. These are recommended to be secured by legal agreement as set out in section 10 below.
- 8.39 Full details of the proposed car parking layout, disabled bays, pedestrian access and route through the car park, and cycle storage are recommended to be secure by condition.
- 8.40 **Sustainability**
In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. An installation of photovoltaic panels to the roof of the building is proposed; full details of this array its implementation are recommended to be secured by planning condition.

9. CONCLUSION

- 9.1 The proposed development would deliver a net increase in housing units of 19 units. The six bungalows and large house currently in situ would be replaced by 26 one-bedroom flats. In general a proposal comprising one-bedroom flats only would not be acceptable as this does not provide a mix of units which reflects the needs of the city, as in developments which include market housing there is a priority to secure two and three bedroom units. In this case however significant weight is given to the fact that 100% affordable housing (affordable rent) is proposed, and also to the fact that the type of housing proposed, aimed at younger retirees, will meet an identified need in the city. Giving weight to these factors, the provision of one-bedroom units rather than a mix more reflective of the city's needs is considered to be acceptable in this case.
- 9.2 It is considered that the proposed building design will sit comfortably in the Withead Avenue street scene, and subject to matters such as full details of landscaping and

materials being secured by condition, an appropriate appearance would result in compliance with local plan policies.

- 9.3 The proposed cycle and parking provision are acceptable subject to full details being secured by condition. It is projected that significant overspill parking will not result given the amount of parking proposed on site.
- 9.4 The proposed building would result in some additional overshadowing and overlooking of neighbouring properties however significant harm would not be caused.
- 9.5 Other matters such as sustainability measures, tree protection measures and biodiversity enhancements are recommended to be secured by condition.
- 9.6 Overall it is considered that the scheme would deliver substantial benefits and significant harm would not be caused. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

10. EQUALITIES

- 10.1 The scheme provides 100% affordable housing (affordable rent). Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible, the remaining units to be constructed to optional Building Regulations access standards.

10.2 Developer Contributions

- 10.3 Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £11,700 contribution to sustainable transport infrastructure to be allocated towards the following:

- Bus stop accessibility improvements at the Woodruff Avenue or Hazeldene Meads bus stops on Dyke Road/ Dyke Road Avenue; and/or
- Pedestrian route improvements between the site and local facilities including, but not limited to Preston Park Railway Station and Matlock Road shops.

- 10.4 Open space and indoor sport: Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £46,937 towards the following:

- 10.5 Awaiting confirmation of identified spends

- Parks – Hove Park and/or Hove Recreation Ground, Three Cornered Copse
- Play – Hove Park and/or Dyke Park, Hove Lagoon
- Sports – Hove Park and/or Nevill, Withdean Leisure Complex, King Alfred, Hove Recreation Ground

- Amenity/Natural Semi Natural – Three Cornered Copse And/or Hove Park, Hove Recreation Ground
- Allotments – Weald and/or North Nevill

10.6 Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £5,700 plus a commitment to 20% local employment for the demolition and construction phases.

21st January 2017

Dear Ms Hobden,

**RE: OBJECTION BH2016/06478 THE COACH HOUSE 1-6 LIONS GARDENS,
WITHDEAN AVENUE, BRIGHTON, BN1 5BJ**

I wish to write to object to the above application in Withdean ward which follows my previous objection to the earlier application of BH2016/00803.

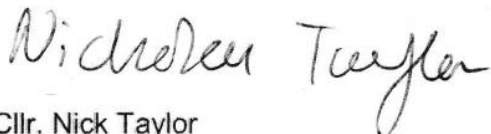
As with my previous objections I am particularly concerned with the number of units proposed on this site; neighbouring Ruston Heights is only eight units whereas this development seeks to construct twenty six dwellings.

I also disagree with the findings of the transport assessment; ten parking spaces of which two will be blue badge parking is clearly insufficient for a development of this size. Withdean Avenue is extremely narrow and is already becoming a site of parking stress with controlled zones expanding into the area. The Council has estimated that thirteen spaces ought to be provided and I see no reason why this should not be the case.

This development is also out of keeping of the area. The Urban Characterisation Study notes that Withdean is "very low density" with an "almost rural feel" and I do not believe that this development matches this characterisation especially as there has been a significant reduction in vegetation in preparation for this development.

I very much hope that this application is refused but I would wish to be present the views of residents at committee in due course.

Yours sincerely,



Cllr. Nick Taylor



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 12th July 2017
COUNCILLOR REPRESENTATION

ITEM C

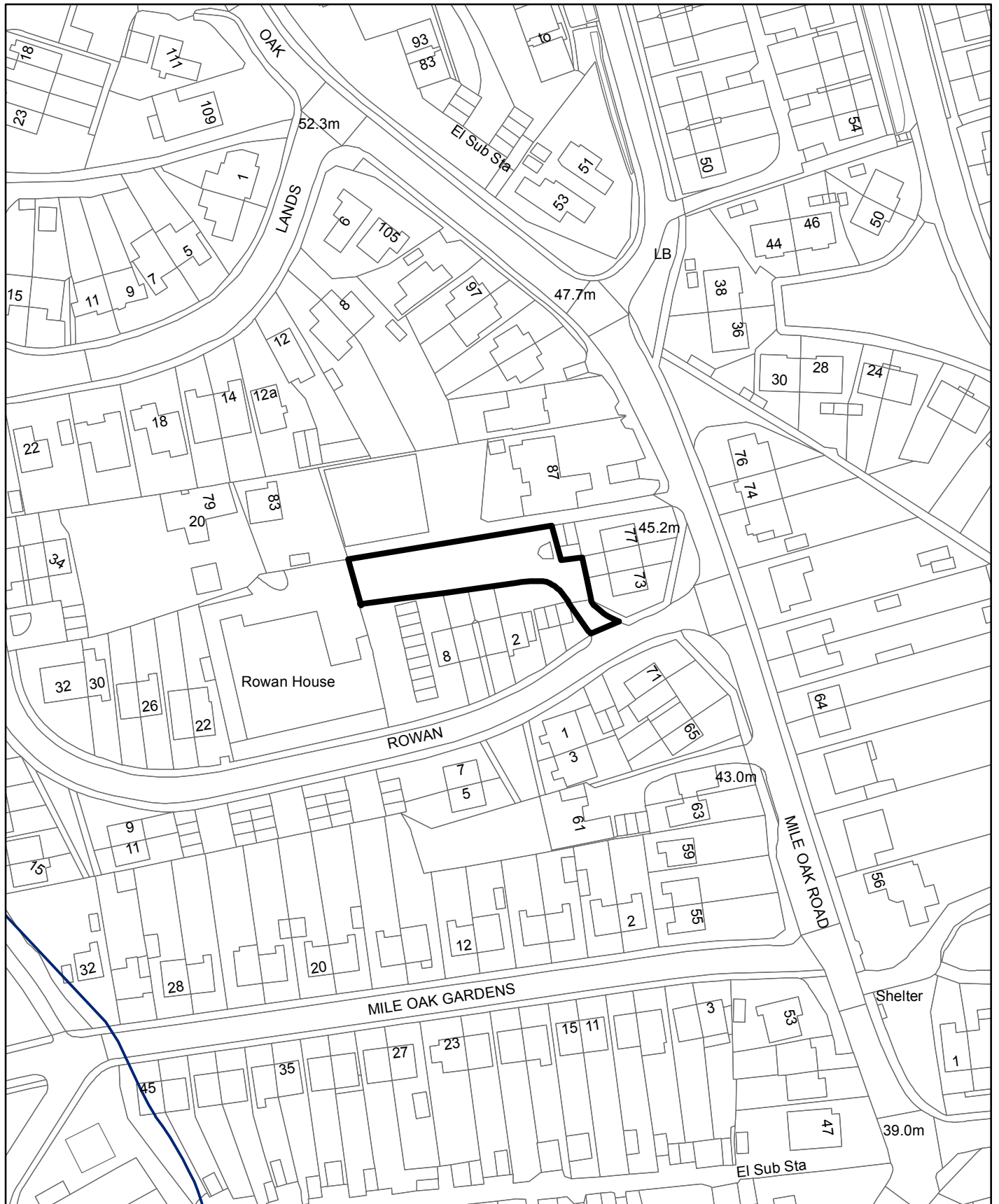
**Land to The Rear Of 2-8 Rowan Close,
Portslade**

BH2017/00750

Full Planning

DATE OF COMMITTEE: 12th July 2017

BH2017/00750 Land To The Rear Of 2-8 Rowan Close Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00750	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear Of 2-8 Rowan Close Portslade BN41 2PT		
<u>Proposal:</u>	Erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments (C3), associated landscaping and parking.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	03.03.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	28.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Downsview Associates Mr Matt Bridle Little Acorns Hampers Lane Storrington RH20 3HZ		
<u>Applicant:</u>	Rowan Close Limited Mr Kenneth Elliott 6 Summerfields Findon BN14 0TU		

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	2015.180.01	-	3 March 2017
Floor plans and elevations proposed	2015.180.02	-	3 March 2017
Sections Proposed	2017.180.03	-	3 March 2017
Detail	2017.108.04 (SITE PLAN)	-	3 March 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 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

- 4 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove Submission City Plan Part One.
- 5 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.
- 6 The windows in the northern and western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part One.
- 7 Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (fencing and/or soft landscaping) to the patio areas shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 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 Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 10 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.

- 11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

- 12 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

- 13 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples and details of materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) Samples of all render and roof material
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Details/specifications of windows and doors

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 CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises the former vehicular access and car park to Rowan House, located on the north side of Rowan Close, Portslade. Rowan House sits to the west of the site and has recently been converted to residential units.
- 2.2 The site is some 12m wide by approximately 47m in length and is formed entirely of hardstanding with informal vegetation along the northern and southern boundaries. The rear gardens to Nos. 2-8 (evens) Rowan Close abut the site to the south. There are two garages to the east of the site which are served by an access from Rowan Close. Beyond these garages and access road are Nos. 73-77 (odds) Mile Oak Road, which are two storey dwellings. A terrace of five three storey houses (Hillcourt Mews) to the north of the site has also recently been constructed and occupied (**BH2013/00380**). The terrace of five units is orientated to face south across the site. Planning permission is sought for the erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments.
- 2.3 This application is a resubmission of the previously refused application **BH2016/02573** for the erection of a one and two storey apartment block, which was refused due to design and amenity concerns. This application proposes to address these issues by proposing the erection of a single storey apartment block.

3. RELEVANT HISTORY

BH2016/02573- Erection of 3no two bedroom apartments (C3). Refused on 02.09.2016. The reasons for the refusal were as follows:

1. The proposed building is of block form with large expanses of blank wall and a lack of detailing / articulation. It is considered that the proposed building would represent an unattractive and imposing built form, and a cramped development due to a lack of spacing from the site boundaries on three of its four sides. The proposed development is therefore contrary to Policy CP12 of the Brighton & Hove City Plan and the design objectives set out in the Core Planning Principles of the NPPF and expanded upon in Chapter 7 of the NPPF.
2. The proposed building would represent an unneighbourly form of development by virtue of its overbearing and enclosing impact upon existing properties in Rowan Close and Hillcourt Mews; the outlook from these properties would be harmed. The proposed development would result in a loss of amenity to adjacent residents contrary to Policy QD27 of the Brighton and Hove Local Plan and to the Core Planning Principles of the NPPF.
3. Due to the close proximity of the building to the site boundaries on three sides the quality of outlook from the proposed ground floor units would be poor. On the fourth (east) elevation two proposed bedroom windows would face onto the communal entrance and car park for the development which would diminish

privacy within these bedrooms and may result in noise disturbance for future residents due to vehicular and pedestrian comings and goings. The proposed garden areas and balcony are of limited size and would be of limited usability. Given the size of the site and the fact that the proposed development is new build, more adequate / generous gardens could be provided. Overall the standard of accommodation proposed is considered to be unacceptably poor and contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, and to the Core Planning Principles of the NPPF.

This application was the subject of an appeal to the Planning Inspectorate (APP/Q1445/W/16/3158827). The appeal was dismissed on 14.02.2017.

BH2015/04679 - Erection of 2no. three bedroom detached houses. Refused on 18 May 2016. The reasons for the refusal were as follows:

1. The proposed site layout and proximity of the proposed dwellings to the neighbouring properties represent a form of development that by virtue of the resulting:
 - (a) Loss of privacy to existing neighbouring properties;
 - (b) Loss of amenity for neighbours from the additional activity, noise and disturbance;
 - (c) Loss of outlook for occupiers of the neighbouring dwellings;
 - (d) Loss of privacy for occupiers of the proposed dwellings; and
 - (e) Overlooking of the private amenity space of the proposed dwellings;

Would be contrary to Policy QD27 of the Brighton & Hove Local Plan.

2. The application would result in an insufficient and therefore inappropriate amount of private amenity space for the scale of development proposed which will in turn exacerbate the problems of overlooking and loss of privacy to future occupiers. Accordingly the development represents a form of over-development which is contrary to Policy HO5 of the Brighton & Hove Local Plan.

BH2014/03663 - Outline application for erection of 4no semi-detached houses. Refused on 22/12/2014. The reasons for the refusal were as follows:

1. The proposed site layout and proximity of the buildings to the site boundaries represents a cramped form of development out of keeping with the surrounding area. The proposed development is therefore considered to represent an overdevelopment of the site contrary to policies QD1, QD2 & QD3 of the Brighton and Hove Local Plan.
2. The proposed development, by virtue of its limited outlook and disproportionately small private amenity space, particularly to units 3 & 4, would result in a poor overall standard of accommodation for future occupiers, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.
3. The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers at 2-8 Rowan Close, resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton and Hove Local Plan.

BH2013/03077 - Outline application for erection of 4no semi-detached houses. Refused on 06/11/2013. The reasons for the refusal were as follows:

1. The proposed development, by virtue of the site layout and the proximity of the proposed semi-detached pairs to each other and adjacent properties, and the limited pedestrian-only access to the rear houses, represents a cramped form of development out of keeping with the surrounding area. The proposed development is therefore considered to represent an overdevelopment of the site contrary to policies QD1, QD2 & QD3 of the Brighton and Hove Local Plan.
2. The proposed development, by virtue of its cramped layout, would have an overbearing impact for future residents resulting in a significant loss of outlook and privacy and a poor overall standard of accommodation, contrary to policy QD27 of the Brighton and Hove Local Plan.
3. The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton and Hove Local Plan.

3. REPRESENTATIONS

3.1 Eighteen (18) letters of representation have been received objecting to the proposal for the following reasons:

- Cramped form of development
- Out of keeping with the area
- Overbearing impact on neighbours
- Loss of privacy and outlook for neighbours
- Inappropriate access
- Additional strain on on-street parking
- Pressure on local drains and sewers
- Disruption during the building process

3.2 Councillor Atkinson has objected to the application, a copy of the letter is attached to this report.

4. CONSULTATIONS

4.1 **Arboriculture:** No objection

Nothing of any public value from an Arboricultural perspective would be lost.

4.2 **Sustainable Transport:** No objection

The Highway Authority has no objections to application **BH2017/00750** and the comments are broadly the same as previous applications on the site (**BH2015/04679** and **BH2016/02573**).

4.3 The Highway Authority would look for the following conditions to be included on any permission granted:

4.4 Grampian Condition for Highway Works

Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak

Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

4.5 Retention of Parking Area

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

4.6 Cycle parking scheme

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

5. 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
CP1 Housing delivery
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP16 Open space
CP19 Housing mix

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
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
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

7. CONSIDERATIONS & ASSESSMENT

- 7.1 The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the building and wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- 7.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 7.3 **History of the site:**
There have been a number of schemes put forward for the redevelopment of the site, which have considered that residential development would be acceptable in principle on the site. However the schemes put forward have not been

considered acceptable in regard to over-development of the site and design issues which in turn would have an adverse impact upon the existing neighbours and future occupiers of the proposed building.

7.4 Principle of development:

The immediate area surrounding the application site is residential in character and the neighbouring properties are all residential. Previous officer reports have considered that residential development would be acceptable in principle on the site (including the recent application **BH2016/02573**). It is considered that the situation remains unaltered and that a residential use would appear acceptable in principle given the character of the surrounding land uses but that it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

7.5 Design and Appearance:

Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

7.6 This application follows a previously refused application **BH2016/02573** for the erection of a one and two storey apartment block providing 3no units. It was considered that the proposed building represented an unattractive and imposing built form and a cramped form of development.

7.7 This application was subsequently the subject of an appeal to the Planning Inspectorate. In the assessment of the proposal the Inspector considered that the proposed building would have a design that would reflect that of the recently converted Rowan House and Hillcroft Mews and given the variety of appearance of buildings within the area the proposal would not cause harm to the character and appearance of the area.

7.8 This application proposes the erection of a single storey apartment block, containing 3no units. The building would feature a flat roof with a render finish, timber cladding and Upvc and aluminium fenestration. The proposed building would be uncharacteristic in terms of scale as it would be single storey whereas the immediate surrounding properties are notably 2 and 3 storey dwellings and apartment blocks. However, there is a variety of built form within the area, including garage blocks, and therefore the single storey addition would not cause harm to the character of the area. It is also noted that the provision of a taller development on the site is likely to have a harmful impact upon the amenity of neighbouring properties. The external appearance of the building lacks architectural detail or merit, with little rhythm to the placement of the fenestration and containing large expanses of rendered walls and it is acknowledged that building is not an overly attractive addition and would fail to enhance the appearance of the area. The assessment of the recent refused application **BH2016/02573** for a one and two storey block concluded that the addition would not be considered an attractive addition to the area. However

such concerns were not upheld by the Planning Inspectorate who, whilst acknowledging the design flaws of the previous scheme, stated the following in the assessment of application **BH2016/02573**:

'given the location of the site which is surrounded by buildings and the variety of appearance of buildings in the area, I consider this would not cause harm to the character and appearance of the area'.

- 7.9 It is therefore considered that, given the backland nature of the site, the variety of development in the area and the assessment within the recent appeal decision, the design of the scheme is acceptable within this setting.
- 7.10 **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. This policy accords with paragraph 17 of the NPPF which establishes as a key principle the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.11 Previously proposed developments for the site have raised concerns in terms of the impact upon the privacy and amenity of existing neighbours and the ability of future occupiers of the proposed development to have a reasonable level of privacy and amenity.
- 7.12 This application follows a previously refused application **BH2016/02573** for the erection of a one and two storey apartment block providing 3no units. It was considered that the proposed building what have a harmful impact upon no 8 Rowan Close and Hillcroft Mews in terms of outlook.
- 7.13 This application was subsequently the subject of a recent appeal to the Planning Inspectorate. In the assessment of the proposal the concerns raised by the Inspector related to the harm caused by of the two storey addition to no 8 Rowan Close and Hillcourt Mews in respect of outlook. In the assessment of application **BH2016/02573** the Inspector concluded that:
'I consider that the two storey elevation would result in the garden feeling much darker and more enclosed for occupiers of no 8 to a harmful degree'. With reference to the occupiers of Hillcroft Mews the Inspectorate stated that 'The wall would be a highly dominant and intrusive feature for these occupiers, especially from the first floor rooms which include habitable rooms.'
- 7.14 Given the single storey nature of the development it is not considered that the proposed building would result in overshadowing or loss of outlook to the adjoining properties. It is noted that the footprint of the development is larger than that of the previous application, with the building located to the western end of the site protruding further east extending along the boundary of no 6, no 4 and no 8 Rowan Close. However, given the single storey nature of the proposal this enlarged footprint is not considered to result in amenity harm to these properties.

- 7.15 The windows proposed to the north and west elevations would be obscure glazed and therefore no opportunity for loss of privacy would result. A condition to secure this is recommended. The window to the eastern elevation serving bedrooms would be a sufficient distance from any nearby residential windows so they would not cause harmful overlooking or loss of privacy. The window openings proposed to the southern elevation would face onto the boundary fence of the rear gardens of Rowan Close and therefore would not look directly onto garden spaces or habitable rooms.
- 7.16 The proposed boundary treatments to the patio areas are intended to be low level planting. A condition will be added requiring details of this to safeguard the privacy of the occupiers of the development and the occupiers of Rowan Close.
- 7.17 **Standard of accommodation:**
The proposal would create a 1no one bedroom flat and 2no two bedroom flats at ground floor level, each featuring an open planned living and kitchen area and bathroom and cupboard space. The open planned living and kitchen areas would be served by large bifolding doors which would provide good levels of natural light and outlook within the units. The proposed obscure glazed window openings to the front elevation would serve hallways and bathrooms, which are not habitable rooms and is therefore appropriate. The bedrooms within the units would contain window or door openings providing sufficient outlook and light. Whilst one bedroom window would be obscure glazed it would still contain another window opening serving the room.
- 7.18 The gross internal floor area of the 2no two bedroom flats measuring approximately 66sqm and 75sqm would meet the government's Technical Housing Standards for a 3 person, 2 bedroom, 1 storey property. The gross internal floor area of the one bedroom flat measuring approximately 52sqm would meet the government's Technical Housing Standards for a 2 person, 1 bedroom, 1 storey property. The bedrooms within the units meet the minimum national space standards for single and double bedrooms.
- 7.19 It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the units would meet these standards and is an indication that the accommodation proposed is an acceptable size.
- 7.20 Policy HO5 requires the provision of private useable amenity space in new residential development. The application proposes small outdoor patio areas for each flat and whilst small, they are considered acceptable to provide sufficient amenity space. The space for the one bedroom flat would measure 9sqm, however it would be sufficient for a small table and chair. It is acknowledged that the patio areas would not be overly private, as views would be achievable from the upper floors of Rowan Close to the south, and concern has been raised historically by the Local Planning Authority regarding the lack of privacy of the amenity space proposed. However, such concerns were not upheld by the Planning Inspectorate in assessing application BH2016/02573, whom whilst acknowledging that some views were achievable, concluded that, 'this type of relationship is not unusual in flatted developments'.

7.21 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwelling appears to be achievable; therefore a condition will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

7.22 **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, therefore a condition will be applied to ensure the development meets the standards set out in policy CP8.

7.23 The submitted Design and Access Statement has noted that bin stores will be allocated, the details of which will be sort via condition.

8. EQUALITIES

8.1 None identified

ITEM D

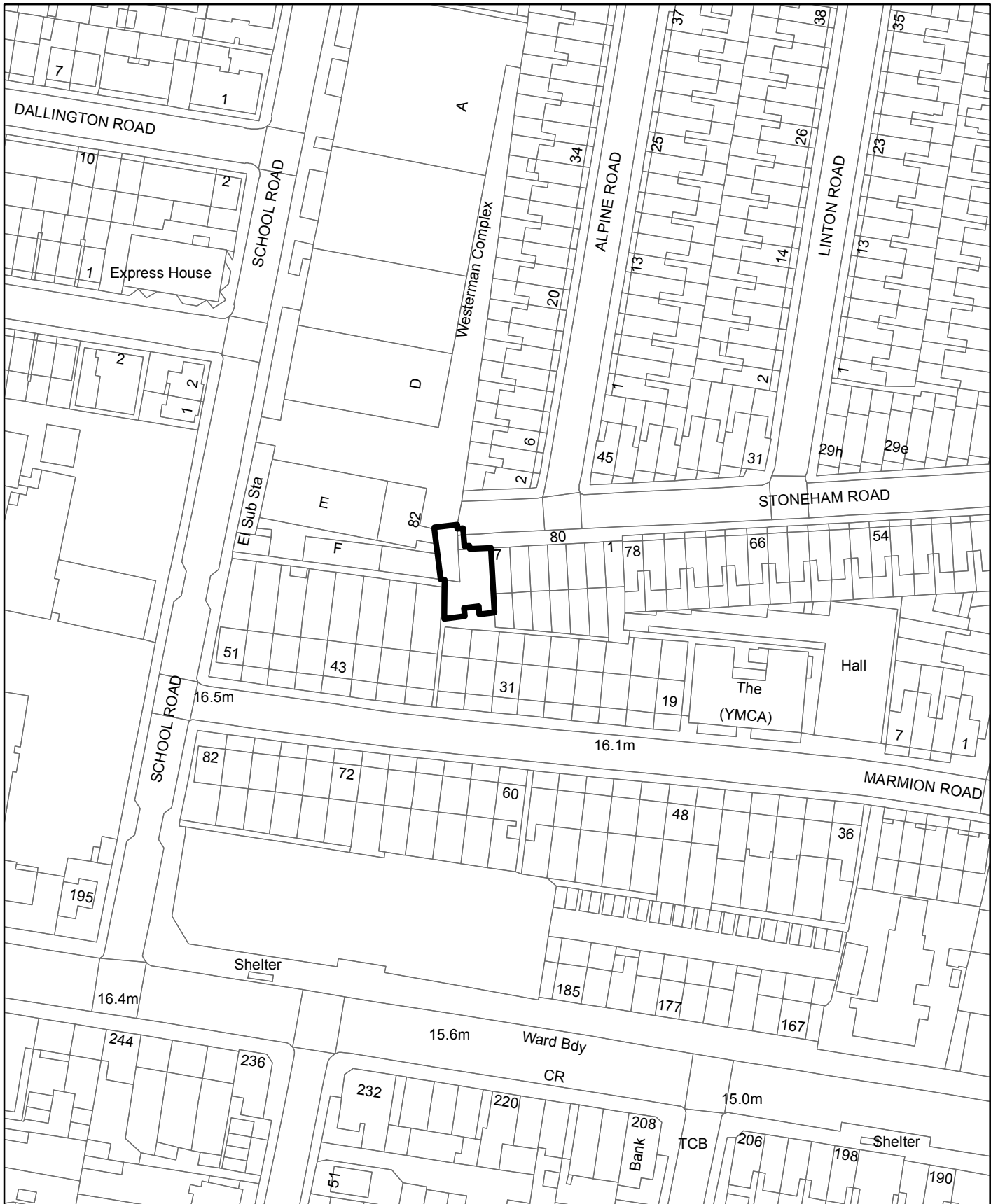
80A Stoneham Road, Hove

BH2017/00574

Full Planning

DATE OF COMMITTEE: 12th July 2017

BH2017/00574 Stoneham Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00574	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80A Stoneham Road Hove BN3 5HE		
<u>Proposal:</u>	Formation of third floor to form 2no bedroom flat incorporating terrace and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	24.02.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	21.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Mr Michael Pirrie Olivier House 18 Marine Parade Brighton BN2 1TL		
Applicant:	Mr Thompson C/O 1 Olivier House 18 Marine Parade Brighton BN2 1TL		

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	YO235-0001	-	20 February 2017
Elevations Proposed	YO235-2003 (EAST)	-	20 February 2017
Elevations Proposed	YO235-2000 (NORTH SOUTH)	-	20 February 2017
Sections Proposed	YO235-2002	-	20 February 2017
Floor Plans Proposed	YO235-1200 (3RD)	-	20 February 2017
Roof Plan Proposed	YO235-1204	-	20 February 2017
Floor Plans Proposed	YO235-1204 (GR,1ST,2ND)	A	20 June 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 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.
- 4 Other than the third floor terrace area detailed on drawing no. YO235-1200, access to the third floor flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 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
- 6 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 7 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 8 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.

- 9 The windows in the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 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 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 the proposed window, door and balcony treatments (balustrade and railing);
- d) Samples of all other materials to be used externally;

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

Reason: As this matter is fundamental to the acceptance of the scheme and 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.

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 three storey apartment building comprising 7 flats, located on the south side of Stoneham Road. The property is constructed in render and timber cladding with aluminium fenestration. To the east is the former Maynards Sweet Factory (which is included on the Local List of Heritage Assets), which has been converted into seven live-work units. To the west of the site is the School Road industrial estate. To the south the site drops down to the rear gardens of houses fronting Marmion Road. To the north are two storey terraced single family dwellinghouses in Alpine Road, which are characteristic of the surrounding area.
- 2.2 Planning permission is sought for the formation of third floor to form 2no bedroom flat incorporating front balcony, terrace and associated works.
- 2.3 This application is a resubmission of the previously refused application **BH2013/01569** which was refused due to the extra storey resulting in a loss of

amenity to 33 and 35 Marmion Road. A previous application (ref: **BH2012/03504**) was refused for the extra storey due to an excessive scale bulk and height and an inappropriate design.

- 2.4 This application differs in that it has amended the design of the additional storey and a Light Impact document has been submitted.

3. RELEVANT HISTORY

BH2013/02345 - Application for approval of details reserved by conditions 10 and 11 of application BH2012/03165. Approved on 17.06.2017.

BH2013/01569 - Demolition of existing single storey building and erection of four storey block to form eight residential units. Refused on 19.07.2013. The reason for the refusal was as follows:

1. The proposed development, by virtue of its additional height and massing, would result in an overbearing, dominant and un-neighbourly form of development resulting in a significant loss of amenity to the properties to the south at 33 & 35 Marmion Road. In addition, the applicant has failed to demonstrate that the development would not result in a significant loss of daylight to these properties. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2012/03504 - Demolition of existing single storey building and erection of a four storey block to form eight residential units. Refused on 25/02/2013. The reasons for the refusal were as follows:

1. The proposed four storey development, by reason of its excessive bulk, scale and height, would not appear subordinate to the adjoining former Maynards sweet factory building, which has been identified as an important heritage asset on the Council's Local List. The scheme would compete with this adjoining building's architectural primacy within the street scene and would not respect its setting. The development would thereby not emphasise or enhance the positive qualities of the local neighbourhood and the proposals are considered contrary to policies QD1, QD2 and HE10 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of its overall scale, bulk and height, together with the contrived design and inappropriate detailing of the fourth floor, would result in an awkward relationship with the adjoining former sweet factory building and would detract from the character and appearance of the wider Stoneham Road street scene. The proposals are thereby contrary to policies QD1 and QD2 and HE10 of the Brighton & Hove Local Plan.

App/Q1445/A/13/2197768- Appeal dismissed on 05.11.2013.

BH2012/03420 - Application for Approval of Details Reserved by Conditions 6 to 12 of application BH2011/01760. Approved on 18/02/2013.

BH2012/03165 - Application for variation of condition 2 of application **BH2011/01760**, (Demolition of existing single storey building and erection of a three storey block to form seven residential units), to permit revisions to approved drawings including window, roof and balcony alterations. Variation of condition 10 to replace reference to living wall with 1.8 metre high brick wall and 3 metre high conifer hedge along South and West sides. Approved on 25/02/2013.

BH2011/01760 - Demolition of existing single storey building and erection of a three storey block to form seven residential units. Approved on 08/03/2012.

BH2010/00177- Application to extend time limit for implementation of previous approval **BH2006/02653** for the demolition of existing single storey building and construction of a three storey building to form 5 residential units and part ground floor (B1) office unit. Approved on 15/04/2010.

BH2006/02653 - Demolition of existing single storey building & construction of a three storey building to form 5 residential units & part ground floor B1 office unit. Approved on 07/02/2007.

BH2006/01072 - Demolition of existing single storey building and construction of 4 storey plus lower ground floor building, to form 8 No. 2 bedroomed affordable housing units. Refused on 14/06/2006.

4. REPRESENTATIONS

4.1 Seventeen (17) letters of representation have been received objecting to the proposal for the following reasons:

- Overdevelopment of the plot
- Result in loss of light/daylight
- Result in noise pollution
- Result in overlooking and loss of privacy
- The extra storey would be overbearing, dominant and unneighbourly
- The extra storey would diminish the harmony of the roofline
- The proposal would detract from the character of the area
- Concern that the Right of Light document does not include Alpine Road
- The development should be car free or would result in traffic issues
- Impact on the locally listed Maynards Sweet Factory Building

4.2 Councillor Nemeth has objected to the application, a copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 **Environmental Health:** No Comment

5.2 **Sustainable Transport:** No objection

5.3 **Car Parking**

No car parking is proposed; however, any additional demand that does arise for on-street parking as a result of the proposals will be managed by the surrounding Controlled Parking Zone. Given the particular circumstances and location of the proposed development the proposed level of car parking is deemed acceptable to the Highway Authority. Given the likely overspill car parking from the proposed development, the level of on-street parking and availability of permits, it is not considered necessary to prevent access to CPZ permits for future occupiers.

5.4 Cycle Parking

No additional cycle parking appears to be proposed with SPD14 requiring one additional space. However, it is noted that there is an existing cycle store consented under the original application which could also provide for the additional unit. Therefore, no further details are requested in this instance.

Trip Generation

- 5.5 It is not considered that the addition of one two bedroom flat will result in a substantial uplift in trip generation and therefore no objections are raised in this instance.

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
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

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 of the additional storey on the character and appearance of the building, adjacent locally listed Sweet Factory building, the wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **History of the site:**
Planning permission has previously been granted for the demolition of an existing single storey building at the site and the erection of a three storey block to form seven residential units (ref: BH2011/01760), with subsequent amendments to window, roof, balcony and boundary treatments approved under application BH2012/03165. The residential block is now in situ.
- 8.4 **Design and Appearance:**
Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

- 8.5 The surrounding area is largely characterised by two storey terraced houses. The only building of a similar scale to the proposed development is the adjacent Former Maynards sweet factory. This is an attractive red brick Victorian building that is four storeys in height, with the top floor set within a predominantly glazed pitched roof. As such it has a reasonably lightweight appearance when viewed along Stoneham Road. In recognition of its architectural interest, it is included on the Local List of Heritage Assets.
- 8.6 The proposal seeks planning permission to add an additional floor to the residential scheme initially approved under **BH2011/01760** and subsequently amended under **BH2012/03165**. Application **BH2012/03504** for an additional storey was refused largely owing to concerns that its scale, form and contrived design represented an incongruous addition that would unsatisfactorily compete with the architectural primacy of the adjacent Sweet Factory, particularly when viewed from Stoneham Road and Alpine Road. Application **BH2013/01569** considered the design approach acceptable in regard to scale, detailing and material. The reason for the refusal of this application was due to the significant amenity impact toward 33 and 35 Marmion Road to the rear of the site.
- 8.7 The proposed additional storey would be set back from the front and rear elevation of the property with a lightweight glazed elevation to the front and rear. The proposed materials comprise of white render with grey aluminium doors to match the existing building. A terrace is proposed to the flat roof area.
- 8.8 The design of the scheme in 2012 under application **BH2012/03504** was considered inappropriate due to the excessive bulk, scale and height forming a dominant addition to the building and surrounding development. A subsequent scheme in 2013 under application **BH2013/01569**, whilst refused on amenity issues, was considered acceptable in terms of design, due to the lightweight appearance of the additional storey. Whilst the scheme proposed under this application differs from the previous scheme, the design, bulk and scale is considered acceptable. The main front elevation would be set back from the front façade of the property. The rear elevation would be recessed from the rear elevation of property and would angle away from the rear elevation. By recessing the addition, with materials to match the existing building, the proposed addition would be a subordinate addition when viewed from street level. It is also noted that the height of the addition would be lower than that the roofline of the adjoining Sweet Factory.
- 8.9 The proposed development is considered to represent an acceptable design in accordance with policy CP12 of the Brighton & Hove City Plan.
- 8.10 **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.

Neighbouring residential occupiers have expressed concern that the proposed development would result in a loss of light, overshadowing, noise and disturbance, and overlooking.

- 8.11 The main concern is with regard the impact of the additional height of the development on the properties to the south of the site. The properties to the rear, most notably nos, 33 & 35 Marmion Road, are set in a terrace of two storey houses. The terraces on Marmion Road taper in relation to Stoneham Road such that the development site is in closer proximity than the adjacent Sweet Factory building. The submitted section drawing reveals that the that the development site is on higher ground level to the properties on Marmion Road, with the additional fourth floor set at a separation of 15m.
- 8.12 A BRE guidance document was submitted with the previously refused application **BH2013/01569** in which it was considered that a more detailed daylight/sunlight assessment would be required to establish the likely extent of daylight loss. A daylight impact assessment has been submitted with this application. The windows assessed were the properties at 33 and 35 Marmion Road. The analysis of the Vertical Sky Component concludes that the windows analysed achieve adequate daylight levels. The report states that, 'the effects on all windows analysed are not seen to be of a significant level and fall well within the BRE impact limits. The most detrimental affect being -8.69% reduction in VSC value, which falls well within the 20% reduction allowance before adverse effects are to be noted.' The report confirms that the assessed windows are not subject to a negative impact and are in line with BS82016-2:2008 and BRE recommendations for adequate lighting levels.
- 8.13 It is noted that residents to the rear of the site have raised concerns regarding the impact of the proposal on their properties in terms of overshadowing and loss of light. However the report is comprehensive and finds that the effect of the additional storey would have a minimal impact on the properties to the rear. Nevertheless Daylight/Sunlight Analysis forms a single element of a wider assessment of the impact of a development on neighbours.
- 8.14 Notwithstanding the conclusions made by the survey report, the design and detailing of the rear of the additional storey would ensure that the development would not result in overshadowing toward these properties. The previous scheme under application **BH2013/01569** proposed to extend the rear elevation of the additional storey directly off the rear elevation of the building, whereas under this application the rear elevation of the additional storey would be recessed and angled away from the rear elevation of the building.
- 8.15 The proposed glazing and angle of the rear elevation would restrict views toward the rear gardens and rear elevations of the properties on Marmion Road. The glazing of the rear elevation of the additional storey will be secured via condition. The addition would be set in from the rear elevation of the building and has been designed to angle away from the rear elevation, in contrast to the previous application which proposed to extend the rear elevation directly off the rear elevation of the buildings. This is considered sufficient to ensure that the

extra storey would be not have an overbearing, dominating and unneighbourly presence on the properties to the rear.

- 8.16 The terrace proposed to the western side of the roofspace would result in overlooking of the adjoining garden areas and rear of the properties of Marmion Road. A condition is recommended requiring that a 1.8m high obscure glazed privacy screen is erected. The addition of which is considered sufficient to mitigate against any overlooking or loss of privacy and would restrict views of the garden spaces and rear of the properties. In terms of noise and disturbance as a result of the proposed terrace, it is considered that the size of the terrace would not result in any significant disturbance or noise to warrant refusal of planning permission.
- 8.17 For the reasons outlined above it is not considered that any loss of light or overshadowing to neighbouring occupiers would be so significant as to warrant refusal of the application on these grounds and the development would not be significantly overbearing or result in significant loss of privacy. It is considered the development accords with policy QD27 of the Brighton and Hove local Plan.
- 8.18 **Standard of Accommodation:**
The application proposes a 2 bedroom flat at third floor level. The gross internal floor area of the 2 bedroom flat measuring approximately 78sqm would meet the government's Technical Housing Standards which states that a 4 person, 2 bedroom, 1 storey property should measure 70sqm. The unit features two double bedrooms each of which meets the minimum national space standards.
- 8.19 It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the unit would meet these standards and is an indication that the accommodation proposed is an acceptable size.
- 8.20 The flat comprises of open planned living/kitchen/dining room, bathroom, 2no bedrooms and en-suite bathroom with private roof terrace. Whilst the large rear window is proposed to be obscure glazed it is considered that adequate light would serve the open planned room and bedroom 1 located to the rear of the unit. Bedroom 1 and the kitchen area would contain window openings which would provide sufficient levels of outlook. Bedroom 2 located to the front of the unit would contain large window openings which would provide adequate levels of natural light and outlook.
- 8.21 Policy HO5 requires the provision of private useable amenity space in new residential development. The unit would provide an adequate sized terrace at roof level, in accordance with Policy HO5.
- 8.22 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwelling appears to be achievable; therefore, relevant conditions are attached to

ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

8.23 Highways:

The proposal is unlikely to generate a substantial increase in trips to the application site.

8.24 No car parking is proposed; however, any additional demand that does arise for on-street parking as a result of the proposals will be managed by the surrounding Controlled Parking Zone. Given the particular circumstances and location of the proposed development the proposed level of car parking is deemed acceptable to the Highway Authority. Given the likely overspill car parking from the proposed development, the level of on-street parking and availability of permits, it is not considered necessary to prevent access to CPZ permits for future occupiers.

8.25 Cycle storage is not proposed, however the existing store on the site could also provide for the additional unit.

8.26 Sustainability:

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

9. EQUALITIES

9.1 None identified

Dear Joanne

I will be sending through a full objection in due course but I wanted to place on the record now that I object to this application and wish to see it taken before the Planning Committee:

http://ww3.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&APPLICATION_NUMBER=BH2017%2F00574

I understand that the consultation period has been extended to 28th April but I ask that it is extended again. The application is described incorrectly as 80 Stoneham Road on the council site. It should of course be 80a. These are two entirely different buildings.

Can you please urgently confirm that it will go to Committee and that consultation period will be extended?

Thanks

Cllr Robert Nemeth - Wish Ward



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 12th July 2017
COUNCILLOR REPRESENTATION

ITEM E

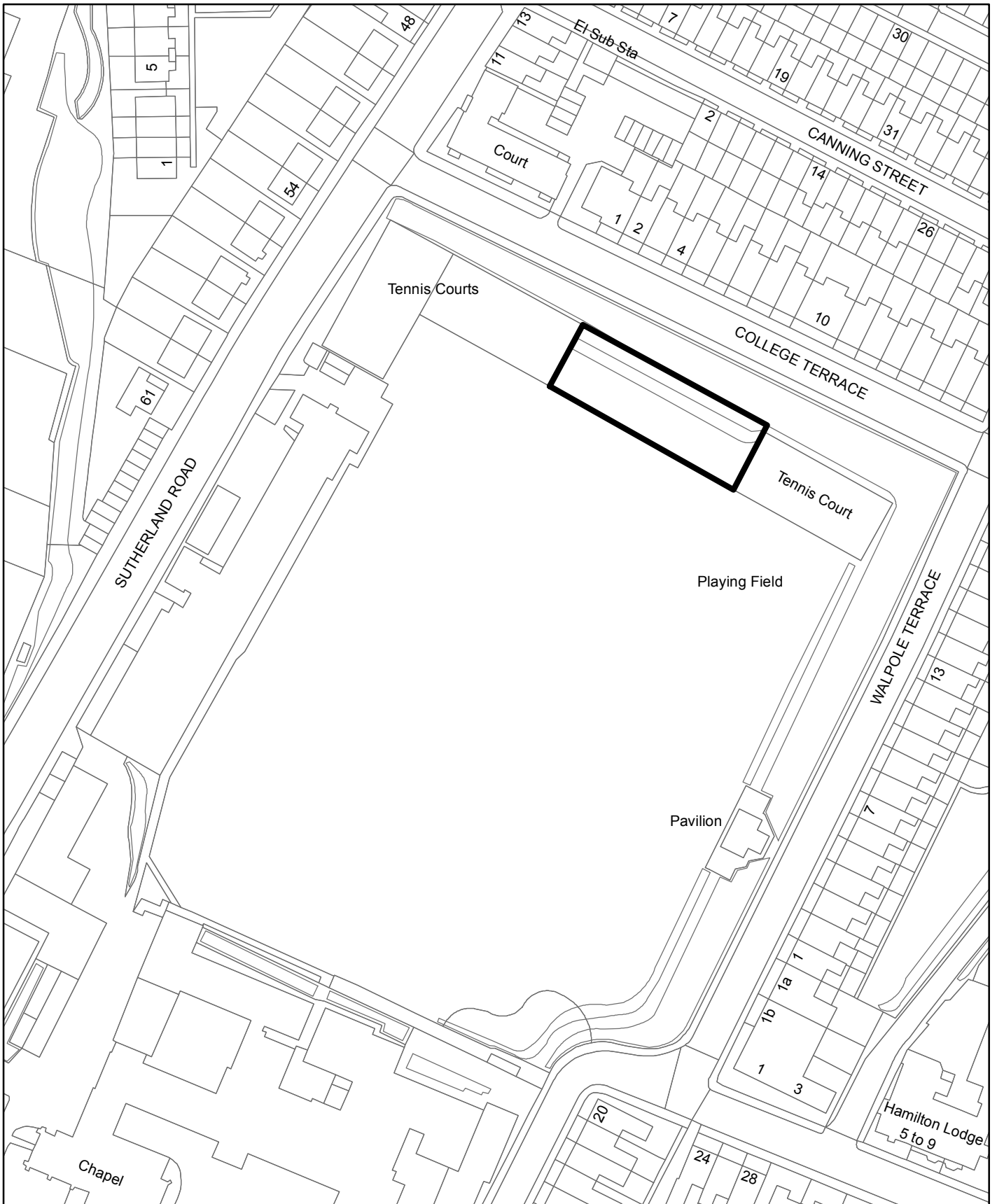
Brighton College, Eastern Road, Hove

BH2017/01043

Full Planning

DATE OF COMMITTEE: 12th July 2017

BH2017/01043 Brighton College, Eastern Rd, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01043	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Eastern Road Brighton BN2 0AJ		
<u>Proposal:</u>	Installation of a temporary inflatable dome over tennis court incorporating plant machinery, shed and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	10.04.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	05.06.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Adams Planning + Development Ltd Lowry House 17 Marble Street Manchester M2 3AW		
<u>Applicant:</u>	Mr Stephen Patten Brighton College Eastern Road Brighton BN2 0AL		

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	D2R-BRC-01	-	10 April 2017
Block Plan	D2R-BRC-01	A	10 April 2017
Detail	BRC002 (ONE COURT LAYOUT)	A	27 March 2017
Detail	D30128/PY/A (LIGHTING PLAN)	-	24 March 2017
Detail	082060-01	-	27 March 2017
Detail	(MOTOR GRAPH)	-	27 March 2017
Detail	BRC002 (ONE COURT LAYOUT)	-	27 March 2017
Detail	(SCHEDULE OF MATERIALS)	-	10 April 2017
Detail	(BROCHURE)	-	10 April 2017
Detail	(PLANNING STATEMENT)	-	27 March 2017
Detail	(CONSULTATIO	-	1 June 2017

	N RESPONSE)		
Location Plan	-	-	27 March 2017
Location Plan	D2R-BRC-01	A	10 April 2017
Block Plan	D2R-BRC-01	-	10 April 2017
Detail	D30128/PY/A (LIGHTING)	-	24 March 2017
Detail	(GRAPH)	-	27 March 2017
Detail	082060-01 (MOTOR)	-	27 March 2017
Detail	BRC002	-	27 March 2017
Detail	(SCHEDULE OF MATERIALS)	-	10 April 2017
Detail	(BROCHURE)	-	10 April 2017
Detail	(PLANNING STATEMENT)	-	27 March 2017

- 2 The temporary inflatable dome, storage shed and fan housing units and associated equipment hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 1 September 2020 or following the occupation of the development approved under **BH2015/02403**, whichever is sooner, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies CP12 and CP15 of the Brighton and Hove City Plan Part One.
- 3 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4 The external lighting hereby approved shall not be illuminated except between:- (08.00am to 09.30pm) Mondays- Sundays
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5 At no time shall the lighting scheme result in light intrusion into habitable room windows of adjacent buildings that exceeds a level of 5 lux vertical illuminance.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6 Any additional lighting within the site beyond that hereby approved shall be in accordance with details which have been previously approved by the Council.

Reason: To safeguard the amenities of the locality 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 Brighton College campus forms part of the College Conservation Area and lies adjacent to the north of the East Cliff Conservation Area. The College campus is bounded to the east by Walpole Road and Walpole Terrace, to the north by College Terrace, and to the west by Sutherland Road. The majority of the buildings are located to the southern half of the site and along the western boundary, with playing fields to the northern part of the site. The Tennis Court is situated to the northern part of the playing fields. The campus comprises a core collection of grade II listed buildings. The north and east boundaries of the sports field are listed.
- 2.2 Planning permission is sought for the temporary installation of an inflatable dome over the tennis court incorporating plant machinery, shed and associated works. The dome would have a maximum height of 7.6m and would be 18m by 36.5m in area.

3. RELEVANT HISTORY

BH2017/00547- Installation of metal gate, brick piers and raised metal decking to west elevation. Approved 01.06.2017.

BH2017/00482 - Erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets & storage unit. Under consideration.

BH2015/04396 - Erection of two storey temporary classroom modular building. Approved 05/02/16.

BH2015/02403 - Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Approved 02/07/2015.

BH2015/02404 Listed building consent for the removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Approved 26/10/2015

BH2014/02054 Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works. Refused 22/09/2014. Appeal Allowed.

4. REPRESENTATIONS

4.1 Seventeen (17) letters of representation has been received objecting to the proposal for the following reasons:

- Result in light pollution
- Result in noise and disturbance and vibration pollution
- Floodlights would cause disruption to wildlife and structure could damage the trees
- The dome and machinery would be unsightly and inappropriate in terms of design and materials
- Obstruction of view across the playing fields and sea view
- The precedent set for a permanent structure and future buildings in this location
- The dome would be a violation of the resident's quality of life and outlook
- Reduce the value of nearby properties
- The design purpose and structure would have a detrimental effect on the conservation area and affect listed structure
- The boundary treatment would not screen the dome from view
- The use of the indoor dome could impact student's health
- Issues regarding the details of the application, time of use, colour of dome and machinery, use of the dome, disagreements with the planning statement

4.2 Councillor Barford has objected to the application, a copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 **Heritage:** Objection

Original comment

Statement of Significance

Brighton College campus forms the bulk of the College Conservation Area and comprises a core collection of grade II listed buildings which form the historic origins of the school on this site spanning 1849 through to 1897. These have gradually been augmented through the 20th century and into the 21st century to form a tightly knit composition of buildings on the southern half of the college site. The sports field, known as Home Ground, occupies almost half of the college site and is a large, important piece of open space viewed from surrounding streets and buildings. The north and east boundaries of the sports field are also listed.

5.2 The Proposal and Potential Impacts

This application is for an inflatable structure to provide an indoor tennis facility for school use in the winter months. It is proposed to cover the area of one

tennis court at the northern end of the sports field, and would be accompanied by lighting, a storage shed and equipment needed to inflate the structure. At its highest point it would be 7.6 m high.

- 5.3 It is considered that due to the distance from the historic core of the campus buildings the proposal would have low or little impact on the significance of the listed buildings, however it would have a much closer relationship with the boundary wall and railings along the northern boundary and would have an adverse impact on this listed structure.
- 5.4 It is also considered that the proposal would harm the open, uncluttered character of the sports field. As stated above, this forms a large, historically undeveloped, part of the conservation area, and continues to be a valued open space overlooked by surrounding buildings. The existing tennis courts are enclosed by wire fencing, however this is very low impact; the dome would be far more prominent due to its size, form and material, and when illuminated these characteristics would be exaggerated.
- 5.5 The facility is proposed to be in use during the time of year when the trees around the boundary, which may otherwise have provided some screening, would have lost their leaves.
- 5.6 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.
- 5.7 It is considered that the harm that would be caused would be less than substantial and paragraph 134 of the NPPF states that public benefits arising from the scheme can be balanced against the harm, however it is not considered in this instance that there are public benefits that would outweigh the harm.
- 5.8 (22.05.2017) Update following further information
The applicant has provided some more information regarding the length of time for which this facility is required, and it is now confirmed that the completion of the new sports and science building will remove the need for the dome after 3 years. The limited time period would remove the harm in the long term, however the dome is now stated to be required all year round rather than just in winter months.
- 5.9 It remains that the heritage team is still unable to support the proposal due to the harm set out above, however the case officer may consider that the

temporary nature of the proposal and the presence of the sports and science building construction site adjacent should override this concern.

5.10 Environmental Health: No objection

I have now examined the Planning, Design & Access Statement by Adams Planning + Development Ltd, prepared by Russell Adams, dated March 2017 which has been submitted as part of the above application.

5.11 At 2.13 within the statement specific reference is made to noise generation.

5.12 The noise calculation used is appropriate and I have no reason to disagree with the conclusion drawn that the 5db(A) below background standard we apply for pieces of new plant and machinery in Brighton & Hove will be achieved at a distance of 36 metres from the fans (the nearest noise sensitive property).

5.13 With regards to the light emitted from the dome, the nationally recognised document to have reference to is 'Guidance Notes for the Reduction of Obtrusive Light.'

5.14 In accordance with the guidance notes when taking into account the 'Surrounding Lighting Environment', the design would have to ensure that 'Light Intrusion into Windows' pre-curfew (before 23.00hrs) could not exceed a limit of 5 Ev(vertical illuminance in Lux).

5.15 2.18 and Appendix 5 addresses this and it is stated 'The Lighting Plan demonstrates that the light shed will be 1 lux at a distance of 15 metres from edge of the existing tennis courts fenced run off area. We have enclosed an aerial in Appendix 5 which demonstrates that the distance from the lighting to the nearest residence is approximately 24 metres. The lux levels are, therefore, well within acceptable tolerances.'

5.16 As such, it is reasonable to assume that there will be no light intrusion into surrounding properties.

Due to the above, from an Environmental Health perspective, it seems reasonable to permit this development and while securing the above aspects by condition.

5.17 Sustainable Transport: No objection

Recommended approval as the Highway Authority has no objections to the above application. The proposed use is seasonal to allow extended use of the existing tennis court during winter months and it is understood that its use will be largely ancillary to the existing college. As such, it is not expected to generate substantial numbers of new trips.

5.18 It is noted that the Planning Statement indicates that visitors will have access to the facility for coaching classes. However, given the size of the proposal (one court), it is expected that any additional trips would be limited and not result in a significant impact upon surrounding highway and transport networks in this instance.

5.19 **Sports England: No objection**

Sport England -Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

5.20 The Proposal and Impact on Playing Field

The proposal is for the installation of an inflatable dome over a tennis court incorporating plant machinery, shed and associated works. It is unclear whether this dome infringes on existing playing field (other than the tennis court) as two location plans appear to conflict; one plan does show some infringement.

5.21 Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. As the tennis courts adjoin playing field, they considered to be part of the playing field. It therefore needs to be considered against exception E5 of the above policy, which states:

- E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

5.22 I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E5. In assessing this application I have consulted both the LTA and the ECB's comments (as the adjacent playing field would appear to be used for cricket).

5.23 The LTA states that the minimum dimensions for an airhall should be 18.97 wide x 37.77m long, therefore the proposed dome at 18m wide and 36m long is slightly undersized in comparison to these dimensions. If the usage is to be restricted to school pupils then this should be acceptable, however if the dome is to be used by adults, appropriate consideration will be required to ensure that the dome remains safe for use.

5.24 There is insufficient detail on the indoor lighting when the dome is erected, the lighting levels should be in excess of 600lux on the PPA and 500 lux on the TPA. In addition to this, the lighting chart does not show the lighting levels for the outdoor courts, therefore it is not possible to confirm if the lighting levels are sufficient.

- 5.25 The ECB states the design does not appear to not encroach on the outfield and there does not appear to be a loss of any part of the playing facility for cricket.
- 5.26 **Conclusions and Recommendation**
Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E5 of the above policy. I would however strongly suggest you take the LTA's comments into account.
- 5.27 There is a free online resource from Sport England (Use Our School) that offers further guidance and information for local authorities and other education providers on how to make the best use of school facilities for the benefit of the local community. It is especially useful for those who have responsibility within a school for establishing, sustaining and growing community activity on school sites. 'Use Our School' can be accessed here;
www.sportengland.org/useourschool
- 5.28 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.
The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.
- 5.29 **Sports Facilities:** No objection / Objection / Comment

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 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

CP16 Open space

CP17 Sports provision

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

TR4 Travel plans

TR7 Safe Development

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features

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 of the development on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area, and the amenities of adjacent occupiers.
- 8.2 The application seeks consent for the installation of a concrete ring beam, tennis dome, lighting and ancillary storage shed to be located over an existing tennis court to the northern part of the playing fields. The dome would have a maximum height of 7.6m and would be 18m by 36.5m in area. The dome would be constructed out of polythene membrane reinforced with rope netting secured via a series of ground anchors, connected to a concrete ring beam around the periphery of the tennis court. The proposal includes the erection of an ancillary storage shed on the north-western side of the dome and a fan-housing unit positioned adjacent to the shed, with the addition of lighting and equipment needed to inflate the structure.
- 8.3 The proposed facilities would be used during the construction of the recently approved sports and science building, which is envisaged to take approximately 2 years to complete. The re-development of the site includes implementing the works approved under **BH2015/02403** which involves the demolition of the existing sports hall, Chowen building and Blackshaw building and Pavilion to facilitate the erection of a new 4 storey Sports and Sciences building. The proposed inflatable dome over the tennis court would therefore allow for a covered sports facility whilst these works are taking place. It has been confirmed

that the inflatable structure would be required all year round, would not operate later than 9.30pm and would be used for a temporary period of three years.

- 8.4 Policy CP17 seeks to facilitate the council's aspiration to increase participation in sports and physical activity and will promote access to Brighton & Hove's sports services. The proposal for the covered sports facility would comply with this policy.
- 8.5 Due to the distance from the historic core of the campus buildings the proposal would have little impact on the significance of the listed buildings, however it would have an adverse effect on the adjacent listed boundary wall and railings. The dome would be a prominent feature due to its size, form and material, and when illuminated these characteristics would be exaggerated. As a permanent structure this would result in clear harm to the adjacent grade II listed wall and the College conservation area. However, as a temporary structure only whilst construction works are carried out to implement a planning permission that would have a long term public benefit to the campus residents, the appearance of the site, the setting of the listed buildings, listed wall and conservation area, no significant long term harm is identified. To ensure the long term preservation of the adjacent listed wall and College conservation area, a 3 year temporary period has been sought and a condition is attached to ensure that the dome, shed and associated equipment are removed after the 3 year period.
- 8.6 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 heritage officer has expressed concern regarding the harm caused by the long term use of the structure, however has commented that the limited time period of 3 years would remove the harm caused in the long term, although would only support its use during the winter months rather than all year round. However, it is considered that the temporary installation of the dome would not cause harm in the long term, the presence of the construction site during this time would override the harm caused and its use for the provision of a covered sports facility for the College during construction works would outweigh the temporary harm caused.
- 8.7 **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.

- 8.8 Policy SU10 of the Local Plan states that proposals for new development will be required to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. Where necessary, planning conditions will be imposed in order to specify and secure acceptable noise limits, hours of operation and attenuation measures.
- 8.9 The proposed dome, storage shed and fan housing units would be a sufficient distance from any neighbouring properties and would not affect their amenity in terms of overshadowing, loss of light, outlook or an increased sense of enclosure.
- 8.10 It is not considered that the use of the inflatable dome would result in a significance increase in noise than that of the existing campus facilities and sports ground.
- 8.11 The use of the inflatable dome, the associated equipment and lighting could generate noise and disturbance and result in light pollution. Environmental Health has raised no objection to the proposal subject to conditions regarding lighting and plant and machinery. Their analysis of the findings of the potential noise generation and lighting from the proposal has found that the equipment would not result in adverse noise or lighting impact toward the nearby residential properties.
- 8.12 **Sustainable Transport:**
The use of the sports facility would be largely ancillary to the existing college and as such it is not expected to generate substantial trip generation. It is noted that visitors would have access to the facility for coaching classes, however the size of the facility would limit the size of additional trips and therefore would not result in a significant impact upon surrounding highway and transport networks.

9. EQUALITIES

- 9.1 None identified

Brighton College Planning Application BH2017/01043

Dear Joanne,

Due to concerns raised by a number of residents to Cllr Chapman and I about the above mentioned planning application, should officers be minded to approve, please can this be referred to planning committee for consideration and decision.

Many thanks

Karen

Councillor Karen Barford, Queen's Park Ward

ITEM F

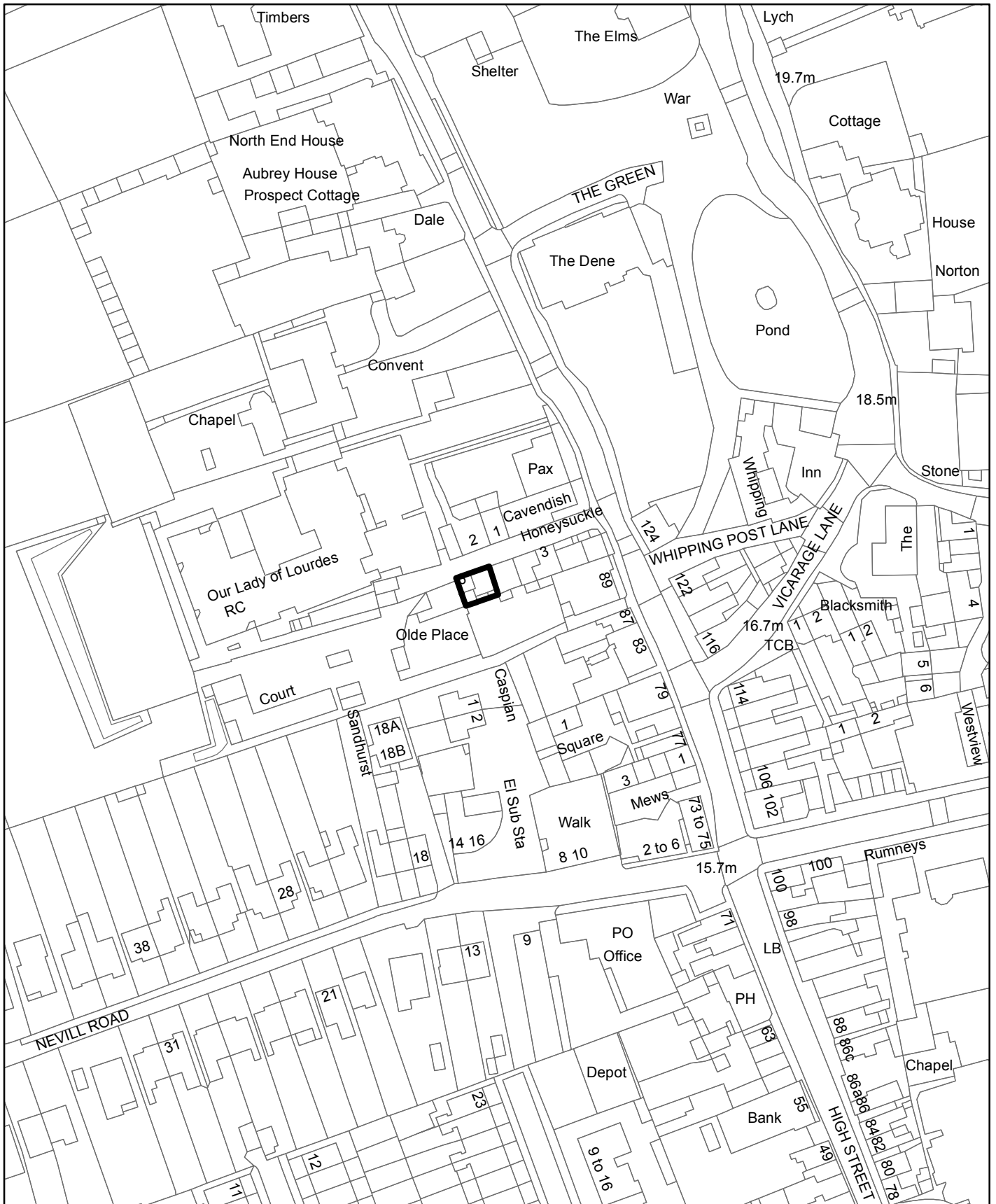
6 Olde Place Mews, The Green, Rottingdean

BH2017/01352

Householder Planning Consent

DATE OF COMMITTEE: 12th July 2017

BH2017/01352 6 Olde Place Mews, Rottingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01352	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 Olde Place Mews The Green Rottingdean Brighton BN2 7HA		
<u>Proposal:</u>	Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation rooflights to rear elevation.		
<u>Officer:</u>	Jane Thatcher, tel: 292501	<u>Valid Date:</u>	20.04.2017
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	15.06.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ARCH angels 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr Jason Vaughan-Phillips 99 Wicklands Avenue BN2 8EQ		

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
Block Plan Proposed	16183-P-001	-	20 April 2017
Location Plan	16183-P-002	-	20 April 2017
Elevations and sections proposed	16183-P111A	A	20 April 2017
Floor Plans Proposed	16183-P110A	A	20 April 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 4 The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

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 DESCRIPTION AND APPLICATION DETAILS

- 2.1 The application site relates to a two-storey terraced property, located to the southern side of Old Place Mews, The Green, Rottingdean. The building is not listed however; the site is located within the Rottingdean Conservation Area
- 2.2 The application seeks permission for the erection of a ground floor side extension with associated alterations to include a new front entrance and a loft conversion with two conservation rooflights to the rear elevation.

3. RELEVANT HISTORY

BH2017/00385: Creation of 2no dormers to front, installation of 3no rear rooflights and alterations to front entrance. Refused (30.03.2017). *'The proposed roof alterations, by virtue of their cumulative number and inclusion within an otherwise unaltered historic roofslope, would unbalance and disrupt the continuity of the terrace, which would harm the character and appearance of the building and surrounding Rottingdean Conservation Area, contrary to policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One'*.

96/0773/LB: Partial demolition of and alterations in connection with the conversion from hotel to four residential units. Approved with Conditions (29.10.1996).

96/0772/FP: Partial demolition, alterations and conversion from hotel to four residential units and provision of 2 no. car-parking spaces. Approved with Conditions (29.10.1996).

93/1026/FP: Alterations and change from 12 bedroom Motel to 11 self-catering apartments. Alterations to access and re-arrangement of parking to provide 11 spaces. Withdrawn (22.02.1994).

93/1025/FP: Alterations and change of use from Motel to 10 self-contained flats with 14 car parking spaces. Approved after Section 106 signed (29.07.1994).

89/521/F: Alteration to change the use of existing motel building into 8 flats with 12 parking spaces. Defer (23.05.1989).

74/426: Erection of 2 staff rooms above 3 garages. Granted Conditionally (12.03.1974).

73/2654: Erection of 2 staff rooms above existing garages. Withdrawn (14.08.1973).

4. REPRESENTATIONS

4.1 Five (5) letters have been received objecting to the proposed development on the following grounds:

- The loss of a parking space and the storage behind it means additional strain on village parking and no replacement for cycle, buggy etc. storage fronting onto a right of way.
- The application introduces rooflight windows (in a conservation area) which are out of character, and would adversely impact the appearance of the mews as an integral unit in keeping with other adjacent buildings. This would be contrary to local policies.
- The change from dormer to rooflight does not substantially affect the reasons given for the refusal of the previous application.
- An approval of this application could create a dangerous precedent.
- The rooflights would overlook gardens and could allow the others along the row to do the same.
- The mews has already lost a garage which is being converted into a flat at Cavendish. And, due to the Cavendish development there will be two extra dwellings in the mews without parking.
- Although, there has been a suggestion by Highways that a bicycle store could make up for the loss of the parking space, there would be nowhere to position such a store as the property has no land at back or front. The existing car port is the only space available for storage.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objection to the above application. It is noted that the proposals would result in the loss of one car parking space; however, it is not considered that displaced car parking of this level (one vehicle) could be considered to amount to a severe impact and therefore does not warrant refusal on these grounds under the National Planning Policy Framework.

5.2 Recommendation:

Approve. The Highway Authority would not wish to restrict grant of consent of this Planning Application.

5.3 **Heritage: Verbal:** No objection

The Heritage Team would not object to the proposed extensions. Given, that the proposed rooflights would be inserted on the rear roofslope and would be of a conservation style the Heritage Team has no objections.

5.4 **County Archaeology:** No objection

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD12 Design Guide for Extensions and Alterations

7. CONSIDERATIONS & ASSESSMENT

7.1 Background

The current application is a re-submission of a previously refused application (**BH2017/00385**) for the 'creation of 2no dormers to front, installation of 3no rear rooflights and alterations to front entrance'. The previous application was refused due to the following reason:

'The proposed roof alterations, by virtue of their cumulative number and inclusion within an otherwise unaltered historic roofslope, would unbalance and disrupt the continuity of the terrace, which would harm the character and appearance of the building and surrounding Rottingdean Conservation Area, contrary to policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One.'

- 7.2 The current application is seeking permission for the erection of ground floor side extension with associated alterations to include a new front entrance and loft conversion with two conservation rooflights to the rear elevation.
- 7.3 It is noted the current application differs from the previous refusal, as the front dormers have been removed and the number of rear conservation style rooflights has been reduced from three to two. The works to ground level remain unchanged from the previously refused scheme. The works at ground floor level were considered acceptable in the previous scheme.
- 7.4 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene, the Rottingdean Conservation Area and the amenities of adjacent occupiers.
- 7.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;

- b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) Uses materials sympathetic to the parent building.
- 7.6 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 7.7 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.
- 7.8 It is noted the unsympathetic dormers proposed in the previous application have been removed and the number of rear conservation style windows has been reduced from three to two. Given, the overall level of roof alterations have been reduced, the visual clutter proposed previously which gave rise to a refusal on design grounds has been sufficiently overcome to a point where the current application can be approved as having an acceptable impact upon the host building, the wider streetscene and the Rottingdean Conservation Area.
- 7.9 The works to ground floor level consist of a ground floor side extension, with associated alterations to include a new front entrance. As existing there is a small car parking area, with space for two cars located between nos. 5 & 6 Olde Place Mews. The proposed works would convert the existing car parking area into habitable accommodation and would equate to the loss of one car parking space. The extension would extend 1.7m to the eastern side of the site and would leave a gap of 2.4m. Due to the ground floor location of the proposed extension and that the extension would not increase the overall footprint of the building; it is not considered that neighbour amenity would be adversely affected. Furthermore, the alterations to the front elevation, including a new front entrance are considered acceptable in terms of design and appearance.
- 7.10 Under the original permission **96/0772/FP** Condition 4 stated: *'The car parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupant of the development hereby approved and by their visitors'*.
- 7.11 The Transport Officer has commented on this application and states that: *'The Highway Authority has no objection to the above application. It is noted that the proposals would result in the loss of one car parking space; however, it is not considered that displaced car parking of this level (one vehicle) could be considered to amount to a severe impact and therefore not warrant refusal on these grounds under the National Planning Policy Framework'*.

- 7.12 With regards to the above, the alteration to the front entrance, resulting in the loss of one car parking space for the conversion into habitable accommodation is therefore considered acceptable.
- 7.13 The proposed extensions are considered suitable additions to the building that would not harm its appearance or that of the Rottingdean Conservation Area, in accordance with policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'
- 7.14 The impact on the adjacent properties at 2, 5, 6 Olde Place Mews, The Green and 89 High Street has been fully considered in terms of daylight, sunlight, outlook, disturbance and privacy following a site visit and no significant harm has been identified.

8. EQUALITIES

- 8.1 None identified.

ITEM G

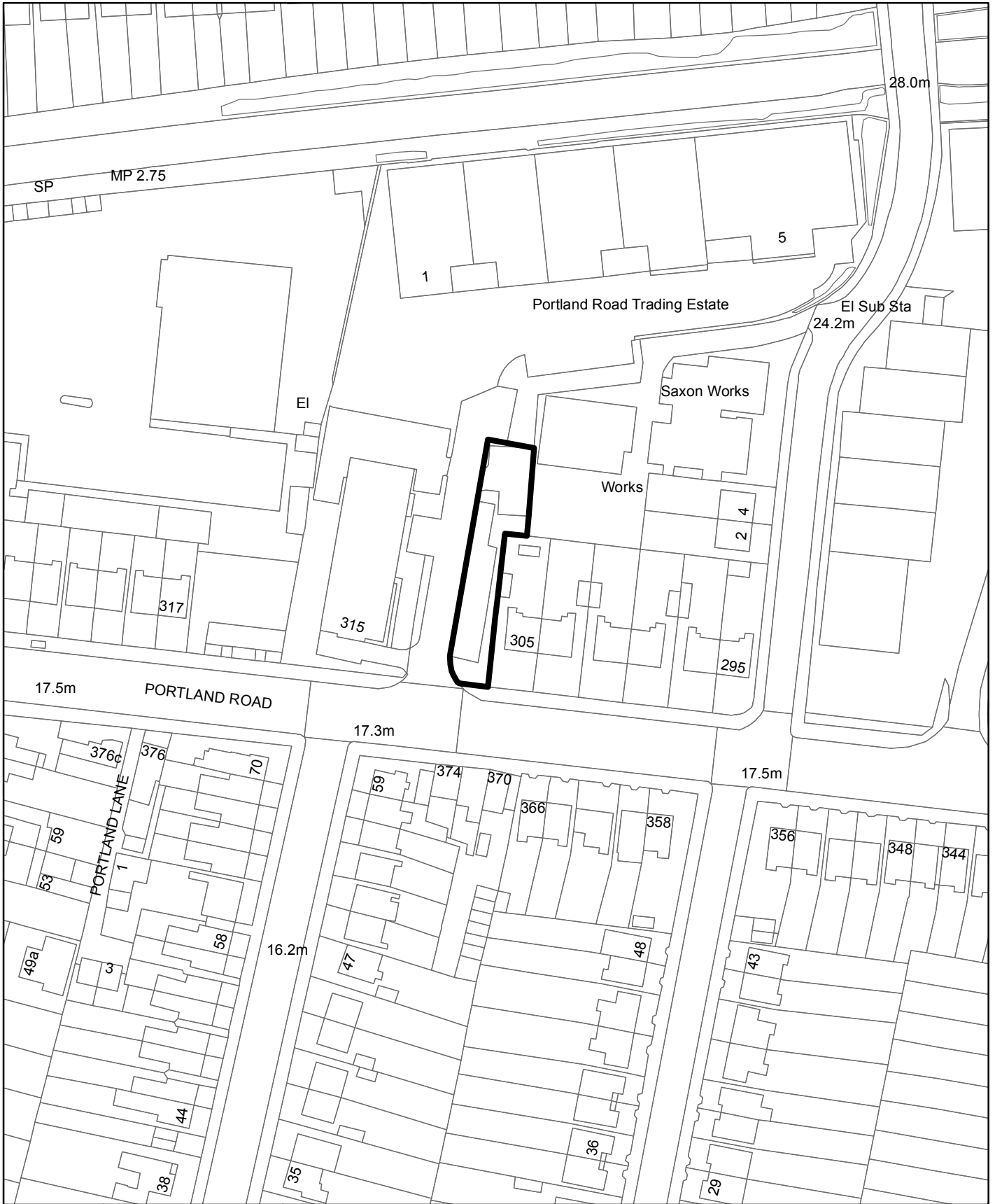
**Land Adjacent to Martello Lofts, 315
Portland Road**

BH2016/02053

Full Planning

DATE OF COMMITTEE: 12th July 2017

BH2016/02053 Land Adj To Matello Lofts 315 Portland Rd



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/02053	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent Martello House 315 Portland Road, Hove		
<u>Proposal:</u>	Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	16.06.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.08.2016
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	ZST Architects 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr David Martin 19 William Mews London SW1X 9HF		

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	P-001	B	3 June 2017
Site Layout Plan	1504-P-002	D	27 January 2017
Floor Plans Proposed	1504-P-110	D	27 January 2017
Floor Plans Proposed	1504-P-111	D	27 January 2017
Floor Plans Proposed	1504-P-112	D	27 January 2017
Elevations Proposed	1504-P-113	D	27 January 2017
Elevations Proposed	1504-P-116	D	27 January 2017
Elevations Proposed	1504-P-114	C	3 June 2016
Floor Plans Proposed	1504-P-200		3 June 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 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4 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.

- 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 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 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 City Plan Part One.
- 8 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 9 No development shall take place until detailed drawings of the access road and footway within the site to include provision of a footway and dropped kerbs and tactile paving has been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan
- 10 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
- 11 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the City Plan Part One.
- 12 The development hereby permitted shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site, including evidence of these, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:
- Details of pedestrian and cycle routes in the local area;
 - Public transport timetable/ route maps;
 - 2 years' car club membership for each first household.

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

- 13 Prior to first occupation of the development hereby permitted, tactile paving shall have been installed to the northern footway of Portland Road to the east and west of the junction with the Portland Road Industrial Estate site access road.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 14 Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- 15 Prior to development commencing, the applicant shall submit a written scheme for approval to the local planning authority on how and where ventilation will be provided to the proposed residential flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.

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

- 16 The development shall be carried out in full accordance with the measures identified within the Acoustic Report (Ref: 2998) received on 19.05.2017 to ensure that the windows achieve the appropriate level of reduction in noise transmission for the room use they are to be installed within and shall thereafter be retained as such.

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

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with 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. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a parcel of land site fronting Portland Road on the corner of the Portland Road Trading Estate. The site was formerly used as the on site car parking for the offices within the adjacent building, Martello Lofts. This building has recently been converted into residential and has associated parking at the rear of the building.
- 2.2 The application seeks consent for the erection of 2no. three storey buildings, first building comprising of 3 no one bedroom flats and 1 no. two bedroom flat. The second building would comprise of six office spaces with cycle stores and associated works.

3. **RELEVANT HISTORY**

BH2016/06335 Martello Lofts Erection of an additional storey to the building to form two 1 bed apartments and two 2 bed apartments. Under Consideration.

BH2015/02373 Land Adjacent to Martello Lofts Erection of 2no three storey and 1no two storey buildings containing 9no self-contained flats (C3) in total. Application withdrawn.

BH2015/00278 Martello Lofts Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Approved 25.03.2015.

BH2015/00694 Martello Lofts External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application

BH2015/00278 Martello Lofts Change of use from offices (B1) to residential (C3) to form 28no units. Approved 19.06.2015.

BH2014/02611 Martello Lofts Prior approval for change of use from offices (B1) to form 32no units. Approved 30.09.2014.

4. **REPRESENTATIONS**

- 4.1 Fifteen (15) letters have been received, objecting to the proposed development for the following reasons:
 - Development would put the viability of the commercial estate at risk
 - Increase in traffic
 - Increase in parking

- Overdevelopment
- Loss of light
- Noise and disturbance
- Overshadowing
- Loss of privacy
- Design
- Lack of amenity space for development
- Lack of pavement access to the development
- Impact on sewers

5. CONSULTATIONS

5.1 Environmental Health: Comment

The application looks to erect two buildings, one containing 6 office spaces and the other comprising of 4 domestic flats.

- 5.2 While the road traffic noise is not perceived to be particular problem in this area, Environmental Health are concerned about the potential impact from delivery noise and commercial vehicle movement on the proposed residents. The plans show that resident's windows will be less than two metres from the road that leads up to Portslade industrial estate.
- 5.3 Given that businesses in the industrial site likely rely on the deliveries, HGV use and commercial vehicles coming and going, the potential for complaints from proposed residents is likely to interfere with their day to day operations. It is therefore essential that the noise from these deliveries and commercial movement is acoustically assessed, and that mitigation is put in place if necessary to avoid future complaints.
- 5.4 A discovery strategy will also need to be attached due to nearby potentially contaminated land.
- 5.5 Further comments: An acoustic report has been produced to look at the concerns raised above.
- 5.6 Having assessed the acoustic report by Anderson Acoustics dated 19th May 2017, (Ref: 2998) the recommendations listed in the report should ensure that future residents are protected in regards noise nuisance.
- 5.7 In order to comply WHO/BS8233 internal noise criteria, windows have been recommended to achieve a different level of reduction in noise transmission department on the room use. For completeness these recommendations should be conditioned.
- 5.8 Because the standards can only be met with the windows closed there will need to be ventilation to the property, which will also need to achieve a minimum acoustic standard. Anderson Acoustics report sets out recommendations for what levels the ventilation should achieve, dependant of the category of widow it is attached to, and this again should be conditioned.

5.9 Sustainable Transport: Comment

5.10 Pedestrian Access

Pedestrian access to the apartments is proposed to be off Portland Road which is considered appropriate. However, there appears to be no direct pedestrian access to the office building. The width of the access road is approximately 7.4m and as such it is considered that there is scope to install a footway whilst maintaining access for goods vehicles serving industrial uses to the north. In the interest of pedestrian safety, the Highway Authority would recommend a revised layout be secured by condition. The Highway Authority's preference is for 2.0m footway width, with a 1.2m absolute minimum alongside obstruction. Ideally the footway would continue alongside the parking bays with access provided via crossovers. Where kerbs are retained, these should be dropped and tactile paving installed where appropriate. Amendments to the car parking layout may also be required to ensure pedestrian access of adequate width is provided to the office and cycle parking.

5.11 Car Parking

SPD14 states that the maximum car parking standard for a residential unit in this location (outer area) is 1 space per dwelling plus 1 car space per 2 dwellings for visitors, and 1 car space per 50m² floor area for office units. Therefore for this development of 4 residential units and 220m² office space, the maximum car parking standard is 11 spaces (6 for residential units and 5 for the office units). The applicant is not proposing any car parking; however, the development would not be truly car free in this location as it is located outside of a Controlled Parking Zone.

5.12 When observing the 2011 car ownership Census data for the Wish ward, the following level of car ownership could be expected to be associated with the residential element of this development.

5.13

Number of vehicles	Percentage of households % in Wish Ward	Number of flats	Number of cars associated with the residential element of this development
0	28.7%	1	0
1	47.0%	2	2
2	20.7%	1	2
3	2.9%	0	0
4 +	0.8%	0	0

5.14 The potential level of overspill parking would therefore be around four vehicles for the residential aspect of the development.

5.15 The use of the current spaces and therefore possibility of displaced parking is unclear; however, they were not included in the site boundary for the application for the conversion of the adjacent Martello House from office to residential (**BH2014/02611**) for which the level of proposed provision was deemed to be acceptable. It is not therefore considered that the proposals would have a

further impact in this respect beyond the demand generated by the residential units.

5.16 Whilst the level of overspill parking would add to demand in an area where there are already relatively high levels, it is not considered the level anticipated would be substantial and therefore warrant refusal in this instance subject to the applicant implementing a scheme of Travel Plan measures to mitigate against the potential for overspill parking and to promote sustainable travel to and from the site. These should include, but not be limited to, the following:

- Details of pedestrian and cycle routes in the local area
- Public transport timetable/ route maps
- 2 years Car Club membership for each unit and details of the nearest locations

5.17 These measures would help to reduce the attractiveness of driving and owning a private motor vehicle due to the proposed parking levels.

5.18 Cycle Parking

SPG4 requires minimum of 1 cycle parking space per dwelling plus 1 space per 3 dwellings for visitors for residential units; and 1 secure cycle parking space and additional cycle parking spaces at 1 per 200m² floorspace or part thereof for office units. This would equate to a minimum total of 8 cycle parking spaces. The applicant is proposing 16 secure cycle parking spaces, which is in excess of the minimum standard and therefore welcomed.

5.19 However, it appears access to the bin stores is through the cycle store which would reduce both attractiveness and practical capacity. The Highway Authority would prefer the bin store access to be independent from the cycle store, and as such, it is recommended that further details for the cycle and bin stores, with independent accesses for both, be secured by condition.

5.20 Disabled Parking

SPD14 requires disabled parking for each wheelchair accessible residential unit and two for the office. Although disabled parking is shown adjacent to the proposed office, this is understood to be associated with the consented development. It is recommended that a space be made available for use by the proposed office and that further details be secured by condition. In order to comply with Brighton & Hove Local Plan policy TR18, disabled parking should be laid out in accordance with the Department for Transport's (DfT) Traffic Advisory Leaflet 5/95 and include a 1.2m access zone on both sides of each bay.

5.21 Trip Generation/ S106

Since the Highway Authority's original comments were made, the applicant has submitted an additional trip generation and impact assessment. It is noted that parking bays on which the proposed development is located were formally associated with Martello House when it was in office use. Considering the two adjacent sites as a whole in assessing the net impact of development is therefore not considered unreasonable in this instance.

- 5.22 The applicant's transport consultant has used the TRICS national trip rate database to calculate a net reduction of 36 trips across the day. A comparison using the trip rates outlined in the council's Developer Contributions Technical Guidance is as follows:
- 5.23 Office: (1,044 sqm (Martello House) - 220 sqm (Proposed)) x 23 trips per 100 sqm = 190 net reduction
- 5.24 Residential: (28 (Martello House) + 4 (Proposed)) x 6 trips per unit = 192
- 5.25 This therefore also suggests that there would be negligible change in trips as a result of the wider development. It is noted that there is a separate application for a further four units **BH2016/06335** on Martello House, the impact of which is considered in comments on that application. This would result in an additional uplift in trips and, although no financial contribution is requested, a scheme of works to improve the site access and footway within the site is requested to better accommodate pedestrians and provide for the needs of those of all abilities accessing the proposed development.
- 5.26 It is however considered necessary that the applicant implement travel plan measures for the reasons outlined in the car parking comments above.
- 5.27 Further comments:
A parking survey has been submitted. The parking survey has been conducted in accordance with a methodology applied by the Highway Authority and repeated over two nights. It is therefore acceptable and indicates that the additional overspill parking that could reasonably be expected for the residential elements of the proposed application and in conjunction with the concurrent application **BH2016/06335** could be accommodated on surrounding streets.
- 5.28 **Planning Policy: Comment**
In principal the proposed uses are considered to comply with policy CP3.4 and policy CP1.
- 5.29 Further clarity is sought on the size of the residential units which appear to be small, which could affect the amenity of future occupiers (policy QD27). There is also a potential conflict between the existing commercial business (Saxon Works site to the east in particular of introducing noise sensitive uses in close proximity. This should be assessed.
- 5.30 The proposal does not provide private amenity space for all units of accommodation and therefore is not considered to comply with local plan policy HO5.
- 5.31 Subject to the comments of the Economic Development Team further information is sought as to how the particular demand for office space in this location has informed the layout and configuration of business space to ensure that this office scheme will be attractive to potential occupiers and an indication

of the marketing strategy that will be employed to ensure the successful take up of the office units.

- 5.32 Comments should be sought by the Transport Policy & Strategy Team regarding the car free nature of both the residential units and office units.
- 5.33 **Economic Development:** Comment
The city is suffering from the ongoing loss of B1 employment space as a result of Permitted Development. This has had an impact on the options for start-ups and growth for small businesses and has also reduced the offer for larger firms seeking to relocate to the city.
- 5.34 The council's City Plan emphasises the need to balance the demand for housing with limited space available, with the importance of providing the right environment to attract businesses, large and small to move to / remain in the city, to sustain economic wellbeing through job creation.
- 5.35 Brighton and Hove has a high proportion of SME businesses, in excess of 90% of all businesses, with the majority having a workforce of under 10 staff.
- 5.36 Quality accommodation is in short supply and the proposed units would potentially meet the needs of SMEs that can operate from a small base such as those proposed, which according to the information provided, have the potential to be linked in the event of expansion or a business seeking floor space equating to two units.
- 5.37 City Regeneration therefore supports the proposed B1 employment space 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 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
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density

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
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- EM4 New business and industrial uses on unidentified sites

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the new office and residential units, standard of accommodation, impact on the character and appearance of the streetscene and surrounding area, impacts on neighbouring amenity, transport and sustainability issues.
- 8.2 **Planning Policy:**
The application seeks consent for the erection of two 3 storey buildings. The site currently forms an unused car park, which was used in association with the former office/commercial use of the main building adjacent, 315 Portland Road. This building is now referred to as Martello Lofts and was converted to residential flats following a prior approval application in 2014 (**BH2014/02611**).
- 8.3 The proposal site lies within the boundaries of the Portland Road Trading estate (including EDF and Martello House). City Plan policy CP3.4 seeks to ensure that on employment sites such as this the council will allow employment led (residential and employment) mixed use development.
- 8.4 The current proposal would not result in the loss of any employment land and proposes an office building as well as four units of residential accommodation.

As such this combination of uses is considered appropriate for this type of employment site and is considered not to raise any conflicts with CP3.5.

- 8.5 The Council's Economic Development has stated that the city is suffering from an ongoing loss of B1 employment space which has had an impact on the options for start-ups and growth for small businesses. Quality office accommodation is in short supply and the proposed units would potentially meet the needs of SMEs that can operate from a small base such as those proposed, which according to the information provided, have the potential to be linked in the event of expansion or a business seeking floor space equating to two units.
- 8.6 With regards to the proposed residential units, the scheme provides three 1 bed units and one 2 bed unit. These units would be provided within the building to the south of the site and therefore would be read within the Portland Road streetscene.
- 8.7 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.8 The proposed four residential units would make a contribution towards the overall housing supply targets for the city and are therefore welcomed in principle. Further considerations are discussed below.
- 8.9 **Design and Appearance:**
The proposed buildings have been given a relatively simple but contemporary design. The proposed residential block would be sited at the front of the site and would sit on the established building line of the adjoining properties to the east. The office building would be positioned to the rear of the application site. Both buildings would be three storeys in height.
- 8.10 Portland Road is characterised by development of varying style and scale. To the east of the site, the immediate properties are two storey semi-detached properties of a traditional style and appearance. To the West lies Martello house, which is significantly taller and larger than the majority of neighbouring development. It has recently undergone a number of alterations to soften its commercial appearance associated with its former use. Opposite the site the development varies again and includes a number of small scale commercial units at ground floor level with residential units above.
- 8.11 The residential block, which would sit adjacent to the traditional two storey semi-detached properties to the east of the site, attempts to incorporate some of the local characteristics of the residential properties such as replicating the two storey bays and eaves height. The width, proportions and roof form of the building would be noticeably different from the properties to the east, which

benefit from larger plots, however the overall appearance and its modest scale is not considered to jar with its immediate surroundings. The modern appearance is considered acceptable, particularly given the modern appearance of Martello Lofts to the west and its dominance within the streetscene.

- 8.12 The office block would have a standard commercial appearance. The third floor would be located within the mansard roof form. The south facing elevation would have two projecting bay features which would add visual interest to the building. The east elevation would be blank, however this side of the building would not be highly visible due to the surrounding development. The building would not be readily viewed within the streetscene due to its set back from Portland Road, and in some views would be screened by the proposed residential building as well as the larger scale building Martello Lofts when viewed from the west.
- 8.13 It is considered that the proposed buildings would not significantly harm the character and appearance of the existing site, streetscene or the surrounding area.
- 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 residential block would be located alongside 305 Portland Road, a two storey residential property. A separation of 3.1m would be retained between the proposed building and 305 Portland Road. The eaves heights of these two properties would be of a similar height. It was noted on the site visit that this neighbouring property has a number of side windows facing west that could be impacted by the proposed development. However these windows either serve the stairwell or forms a secondary window. The proposed ground floor would project significantly beyond the rear building line of 305, however being of single storey the majority of this element would be screened by the boundary treatment. The first floor would project a further metre beyond the rear of 305. It is considered that the side to side relationship between the two properties results in a common situation that is evident within the immediate built up area. The proposed separation would ensure that the rear projecting elements would not result in an overbearing impact or lead to a loss of light.
- 8.16 No windows have been positioned in the eastern elevation. The proposed rear dormer and balcony would mainly provide views to the rear, which are predominantly commercial buildings. Obscure views would be introduced across the rear part of the garden areas of the adjoining residential properties, however mutual overlooking of these areas already exists from first floor windows. It is therefore considered that the proposed building would not result in significant overlooking or loss of privacy between the buildings.
- 8.17 The proposed building would be approximately 17m from the Martello Lofts, and therefore whilst there are a number of side windows facing this block, it is

considered that the separation would ensure that no direct overlooking or significant loss of privacy would occur.

- 8.18 The commercial block is mainly sited near other commercial buildings. It would be approximately 11m from the rear garden boundary of the nearest residential property, 305 Portland Road. The proposed residential building would be approximately 26m. It is therefore considered that in both instances the separation would ensure that no harm would be caused to the amenity of the properties.
- 8.19 **Standard of Residential Accommodation:**
The proposed residential building would contain three 1 bed units and one 2 bed unit. The 1 bed units vary between 37sqm and 40sqm and the two bed unit would measure approximately 81sqm.
- 8.20 It is acknowledged that the LPA do not have an adopted policy on minimum room sizes, however the space standards as set out in the 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes based on the number of occupiers. The document sets out that in order to provide a single room, the minimum floor area of the bedroom is recommended to be 7.5sqm. Within the proposed one bed units the bedrooms would all comfortably accommodate a single occupier and therefore the units would all be above the recommended minimum size of 37sqm. The two bed units would be above the minimum size of 79sqm. All habitable rooms would have adequate levels of light, outlook and natural ventilation. It is therefore considered that the layout and size of the proposed units would provide an acceptable standard of accommodation for future occupiers.
- 8.21 Some of the units would not be provided with outdoor amenity space. Given the size of the units and close proximity to parks and open space in the area, it is considered that in this case the lack of amenity space would not warrant refusal.
- 8.22 The Environmental Health Officer has raised concerns regarding the potential impact from delivery noise and commercial vehicle movement for potential occupiers. Given that businesses in the industrial site likely rely on the deliveries, HGV use and commercial vehicles coming and going, the potential for complaints from proposed residents is likely to interfere with their day to day operations. It is therefore essential that the noise from these deliveries and commercial movement is acoustically assessed, and that mitigation is put in place if necessary to avoid future complaints.
- 8.23 The applicant has submitted an Acoustic Report and the measures outline within this report are considered acceptable and would adequately address the concerns of Environmental Health. These measures would be secured by condition.
- 8.24 **Sustainable Transport:**
The pedestrian access to the flats is proposed to be off Portland Road, however there appears to be no direct pedestrian access to the office building. The width of the access road would allow for a footway to be installed whilst maintaining

access for goods vehicles serving the industrial uses to the north, however the access road into the business park is not an adopted highway and it is not clear whether it is in the ownership of the applicant. The Transport Officer therefore recommends that a revised layout of the site is secured by condition. The site has an existing footway on the opposite side of the road although this only partially extends half of the application site. It would not be reasonable to request that the applicant install a new footway on the their side of the road, as this land is not within the red line of the application site. However a path could be created at the rear of the proposed dwelling, to the front of the site. It is suggested that the revised layout should include extending the curb behind the proposed dwelling and providing a new path around the rear of car parking, this would likely result in the loss of one car parking space however there is no objection to this. Whilst it is not ideal that pedestrians would need to cross the road to access the new path, it is considered an acceptable solution given the constraints of this site.

- 8.25 The development does not include the provision of any parking spaces for the office and residential buildings. The application site is located outside of the Controlled Parking Zone, therefore would not be truly car free in this location.
- 8.26 The Transport Officer States that the potential overspill parking would be expected to be around four vehicles for the residential aspect of the development. The applicants have submitted an on-street parking survey carried over two nights. The survey was carried out also taking into account the proposed additional storey to Martello Lofts, currently being considered under application **BH2016/06335**. The Transport Officer states that the parking survey has been conducted in accordance with a methodology applied by the Highway Authority. It indicates that the additional overspill parking that could reasonably be expected for the residential elements of both applications could be accommodated on surrounding streets.
- 8.27 The office element is most likely to generate demand during the day when that associated with surrounding residential uses at lowest. A condition would be attached requiring the completion of a Travel plan to ensure that appropriate travel measures can be secured.
- 8.28 With regard to the existing car parking spaces to be lost on site, the applicant states that these are currently unused. Martello House benefits from parking elsewhere on site and these parking provisions were deemed acceptable with the prior approval applications which approved the conversion from office to residential (**BH2014/02611**, **BH2015/00278** & **BH2015/00691**). The bays being lost as part of this current proposal were not included with the site boundary of these previous prior approval applications.
- 8.29 The applicant is proposing 16 cycle parking spaces, which would be in excess of the minimum standard which requires 10 spaces for the development. It is noted that access for the bin store is through the cycle store which would reduce both attractiveness and practical capacity. Further details of both of these elements would be requested by condition to ensure that they are acceptable.

- 8.30 It is also recommended by the Transport officer that a condition be attached to ensure that a disabled space is made available for use by the proposed office.
- 8.31 Since the Highway Authority's original comments were made, the applicant has submitted an additional trip generation and impact assessment. It is noted that parking bays on which the proposed development is located were formally associated with Martello House when it was in office use. Considering the two adjacent sites as a whole in assessing the net impact of development is therefore not considered unreasonable in this instance.
- 8.32 The applicant's transport consultant has used the TRICS national trip rate database to calculate a net reduction of 36 trips across the day. A comparison using the trip rates outlined in the council's Developer Contributions Technical Guidance is as follows:
- 8.33 Office: $(1,044 \text{ sqm (Martello House)} - 220 \text{ sqm (Proposed)}) \times 23 \text{ trips per } 100 \text{ sqm} = 190 \text{ net reduction}$
- 8.34 Residential: $(28 \text{ (Martello House)} + 4 \text{ (Proposed)}) \times 6 \text{ trips per unit} = 192$
- 8.35 This therefore also suggests that there would be negligible change in trips as a result of the wider development. It is noted that there is a separate application for a further four units **BH2016/06335** on Martello House, the impact of which is considered in comments on that application. This would result in an additional uplift in trips and, although no financial contribution is requested, a scheme of works to improve the site access and footway within the site is requested to better accommodate pedestrians and provide for the needs of those of all abilities accessing the proposed development.
- 8.36 **Sustainability:**
Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption and that new non-residential development achieves a BREEAM rating of 'very good'. This would be secured by condition.
- 8.37 **Environmental Health:**
The Environmental Health officer has raised concerns, due to the former use of the land and the nearby commercial units, that the land could be contaminated. Therefore a condition will be attached to ensure that if contamination is discovered during construction, then appropriate measures are taken.

9. EQUALITIES

- 9.1 None identified

ITEM H

Martello Lofts, 315 Portland Road

BH2016/06335

Full Planning

DATE OF COMMITTEE: 12th July 2017

<u>No:</u>	BH2016/06335	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Martello House 315 Portland Road Hove BN3 5SE		
<u>Proposal:</u>	Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3).		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	13.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.02.2017
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	ZST Architects 3 Dorset Place Brighton BN2 1ST East Sussex		
<u>Applicant:</u>	Mr Martin C/o ZST Architects 3 Dorset Place		

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 **MINDED TO GRANT** planning permission subject to a S106 agreement and 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
Block Plan	P002	B	6 December 2016
Floor Plans Proposed	P100	C	6 December 2016
Elevations Proposed	P102	C	6 December 2016
Site Layout Plan	P001	B	6 December 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 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 the proposed window, door and balcony treatments (balustrade and railing);
- d) Samples of all other materials to be used externally;

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

Reason: As this matter is fundamental to the acceptance of the scheme and 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 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 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)
 - iii. 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
 - iv. Details of hours of construction including all associated vehicular movements
 - v. 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.

- 5 The residential units hereby approved shall not be occupied until they have 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.
- 6 The residential units hereby approved shall not be occupied until they have 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.
- 7 The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of

compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 9 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.

- 10 The development hereby permitted shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should include but not be limited to the following measures:

- Details of pedestrian and cycle routes in the local area;
- Public transport timetable/ route maps;
- Two years car club membership per household.

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

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 recently converted office block into residential units. The building is 4 storeys in height which includes a lower ground floor level and is sited on Portland Road on the corner of Portland Road Trading Estate.

- 2.2 The application seeks consent to add an additional storey to the building to form two 1 bed apartments and two 2 bed apartments.

3. RELEVANT HISTORY

BH2016/02053 Land Adjacent To Martello Lofts Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Under Consideration.

BH2014/02611 Prior approval for change of use from offices (B1) to form 32no units. Approved 30.09.2014.

BH2015/00278 Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Approved 25.03.2015.

BH2015/00694 External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application BH2015/00278 for change of use from offices (B1) to residential (C3) to form 28no units. Approved 19.06.2015.

4. REPRESENTATIONS

- 4.1 Thirteen (13) letters have been received objecting to the proposed development for the following reasons:

- Access into the building during construction
- Safety of building
- Wheelchair access
- Car parking
- Height of building
- Refuse and recycling
- Overcrowding
- Lack of affordable housing
- Design
- Scale and bulk
- Overshadowing
- Sense of enclosure
- Loss of outlook
- Loss of privacy
- Overlooking
- Structural integrity of building
- Adverse impact on lifts and services
- Noise and disturbance
- Cycle storage
- Breach of covenants
- Suitability

5. CONSULTATIONS

- 5.1 **Environmental Health: Comment**
The application looks to create additional floor on Martello House to provide two, one bedroom flats and two, two bedroom flats.
- 5.2 While the road traffic noise is not perceived to be particular problem in this area, Environmental Health would have concerns about the potential impact from delivery noise and commercial vehicle movement on the proposed residents. However the plans shows that the flats are surrounded by a terrace, which means residents windows will be set back, and this will provide added protection inside in terms of noise.
- 5.3 The terraces themselves may have noise levels over, or at the upper end of what is acceptable under BS 8233:2014, but as they provide extra protection to the internal rooms it is not suggested that should be a reason for refusal. As stated above, the property is located near a busy road and active commercial sites, and therefore there is sense of buyer beware in terms noise levels on the terraces.
- 5.4 It is noted that noise does seem to be considered within the design, with the potential plant room and lift being set away from habitable rooms, and the stair case away from any bedrooms. Aside from above, there are concerns about how local residents will be affected during the construction of the proposed premises. While the issues related to construction cannot be a determining factor in deciding the planning application, it is suggested an attempt should be made to try and manage the impact caused by construction should the application be granted, given there are local residents in the flats underneath.
- 5.5 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.
- 5.6 It is therefore recommended that a Construction Environmental Management Plan be required.
- 5.7 **Sustainable Transport: Comment**
Car Parking
A further four residential units means that additional on-street parking demand can be expected as the Transport Note indicates that these will not be allocated on-site parking. The site is not located within a Controlled Parking Zone meaning that overspill parking will not be managed. Although the Transport Statement suggests that parking demand overall will be reduced from the original office use, it should be noted that this will generally occur at times of the day when residential demand is lowest. It is therefore recommended that the applicant undertake an on-street parking survey so as that the impact can be fully assessed. This should be completed in accordance with the Lambeth Methodology on two week nights.

- 5.8 The Highway Authority will provide updated comments on receipt of a parking survey; however, in the event that planning consent is granted, requests that Travel Plan measures, including car club membership for each household, be secured by condition in order to provide mitigation for the impact of additional on-street residential parking demand.
- 5.9 **Cycle Parking**
No additional cycle parking appears to be proposed. The site plan references cycle parking included on the original application reference BH2015/00691. However, the design of this is unclear and the number of spaces would appear to be insufficient to cater for both the consented and proposed residential units.
- 5.10 SPD14 requires one space per 1-2 bedroom flat plus one per three units for visitors. For the proposed development this would equate to six spaces, or 39 for the development as a whole. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered.
- 5.11 **Trip Generation**
The applicant's transport consultant has used the TRICS national trip rate database to calculate a net reduction of 101 person trips across the day compared to the former office use. However, this is based on a single penthouse unit only (29 flats in total).
- 5.12 A comparison using the trip rates outlined in the council's Developer Contributions Technical Guidance is as follows:
- Office: (1,044 sqm (Martello House) x 23 trips per 100 sqm = 240
Residential: (28 (Martello House) + 4 (Proposed)) x 6 trips per unit = 192
- 5.13 This therefore also suggests that there would be continue to be a net reduction in trips for Martello House when including the additional residential units. In the event that consent is granted, it is however considered necessary that the applicant implement travel plan measures for the reasons outlined in the car parking comments above.
- 5.14 **Further comments:** The parking survey has been conducted in accordance with a methodology applied by the Highway Authority and repeated over two nights. It is therefore acceptable and indicates that the additional overspill parking that could reasonably be expected for the residential elements of the proposed application and in conjunction with the concurrent application **BH2016/02053** could be accommodated on surrounding streets.

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):

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

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 impacts of the on 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 in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 History of the site:

The building has recently been the subject of a number of approved planning applications, most notably a prior approval application (**BH2014/02611**) to convert the office block into residential units. This development has been implemented and the building has also undergone a number of external alterations including the installation of French doors and balconies, to enable the conversion as well as provide a more residential appearance.

8.4 Design and Appearance:

The proposed additional storey is set back from the southern elevation as well as being set in from the sides of the building. The proposed storey is of a form, design and detailing which would be in keeping with the elevations below, and would be clad in aluminium with powder coated windows and door openings. Each unit would have access to a roof terrace. A glass balustrade border terraces and would be set in from the main parapet roof of the building. Rooftop plant would be re-positioned at the rear of the building on top of the flat roof of the new storey.

8.5 The building fronts Portland Road, which is characterised by a mix of residential and commercial properties of varying design and scale. Martello House sits on the access road into Portland Road Trading Estate which has a commercial nature and appearance with large warehouse type buildings sited at the rear of the estate, visible from Portland Road.

8.6 Adjoining the trading estate is residential development in the form of traditional two storey semi-detached properties. There are examples of larger scale properties within the vicinity of the site, such as the 3 storey EDF building, located further west than the application site. Currently, Martello House sits taller than surrounding development and forms a prominent structure within the Portland Road streetscene, particularly due to the open nature of the plot.

8.7 The additional height of the extensions would be approximately 2.6m increasing the building to an approximate total height of 16.8m. To the rear of the building an additional level with a height 1.4m would be positioned to accommodate plant equipment. Due to the ground level of sloping up to the north, at the point where the plant would be positioned, the building would have an overall height of 16.1m measured from the top of the plant from the ground level directly below. The glazed balustrades would measure 1.1m high and would be positioned around the perimeter of the roof and would match the balustrades of the balconies on the floors below.

8.8 It is acknowledged that the additional height would be noticeable within the streetscene, however the additional storey would be read as a 'penthouse'

extension and is not considered to significantly increase the dominance of the main building. The set back of the extension ensures that it remains a subservient addition to the building and the modern design is considered appropriate within the context of the building and the surrounding area. The proposal is therefore not considered to affect the character and appearance of the building, streetscene or the surrounding area.

8.9 Furthermore, an additional storey with an acceptable design and impact is considered a more efficient and effective use of the site without compromising the concentration of the built form to the surrounding area.

8.10 **Impact on Amenity:**

The proposed extension would be entirely set within the current footprint of the existing block of flats and as such the new addition would maintain an acceptable relationship with its surroundings. The proposed openings and terrace areas would provide a similar outlook and impact as the existing window openings and balconies on the building. The proposal is therefore unlikely to result in any significant loss of privacy, loss of outlook, loss of light or overshadowing as a result of the additional height.

8.11 It is not considered that the addition of four flats would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal.

8.12 A number of objections have been received from residents currently residing within Martello House. These representations have raised a number of concerns particularly the noise and disturbance that would occur during the construction of the development. Whilst this issue is not a material planning consideration and disturbance caused during construction works would be a matter for control through the Councils Environmental Health powers, the Environmental Health Officer has commented on the development and does raise concerns that the onus should be on developers to minimise complaints from residents. A Construction Environmental Management Plan is recommended to be secured through a condition, which should include a timetable of the construction, a scheme of how the contractors will liaise with local residents and how any complaints are dealt with and the hours of construction to ensure that amenity of neighbouring properties is protected.

8.13 **Standard of Accommodation:**

The development would provide 2no 2 bed units and 2no 1 bed units. All units would have an acceptable layout and adequate levels of light, outlook and natural ventilation. The 2 bed units have a floor area of 75sqm and 83 sqm. The 2 one bed units have a floor area of 50sqm and 52sqm. It is acknowledged that the LPA do not have an adopted policy on minimum room sizes, however the space standards as set out in the 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes. One of the two bed units

would be 4sqm below the recommended minimum standard of 79sqm, based on 4 people sharing the flat. This shortfall is not considered to cause significant concern and the flat would provide an acceptable standard of living accommodation based on the layout and size of the rooms. The two 1 bed units would be in line with the minimum of 50sqm based on 2 people sharing the flat.

8.14 Each unit would be provided with a roof terrace. It is considered that this is acceptable given the size of the units and would be an improvement on the amenity areas provided for the existing flats on the floors below which are smaller balconies.

8.15 **Sustainable Transport:**

A further four residential units means that additional on-street parking demand can be expected as the Transport Note indicates that these will not be allocated on-site parking. The site is not located within a Controlled Parking Zone meaning that overspill parking will not be managed. Although the Transport Statement suggests that parking demand overall will be reduced from the original office use, it should be noted that this will generally occur at times of the day when residential demand is lowest.

8.16 The applicant has submitted a Transport Assessment which considers the combined impact of the proposal and a concurrent application on the site for the erection of 2no three storey buildings to provide 6 offices and 4 flats. The Transport Officer is satisfied that if both applications were granted and implemented there would be no adverse impacts caused to the highway.

8.17 No details of cycle parking has been included with the application, further details will be secured by condition.

8.18 **Sustainability:**

Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards will be secured by condition.

9. EQUALITIES

9.1 None identified.

ITEM I

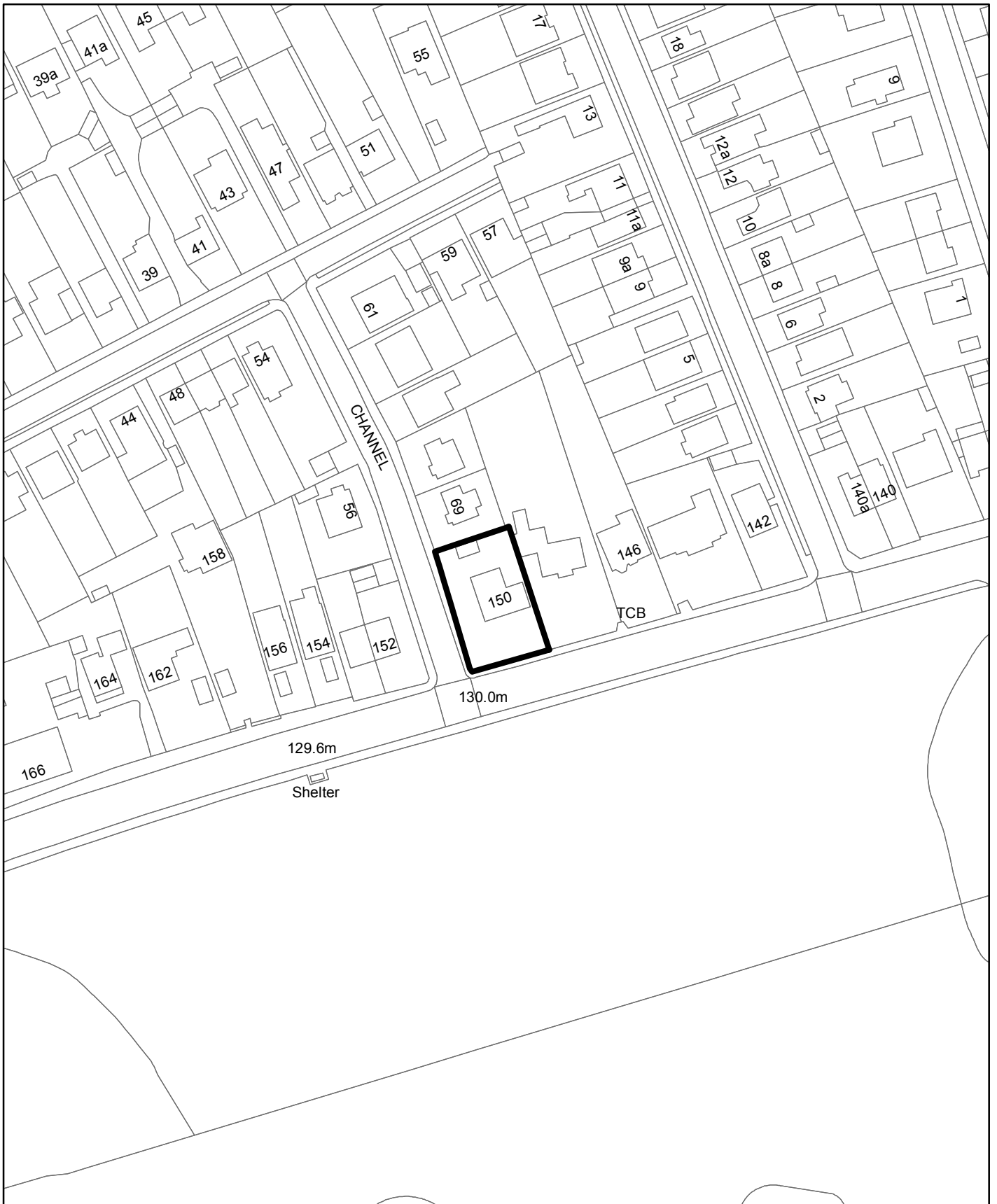
150 Warren Rd, Brighton

BH2017/00071

Householder Planning Consent

DATE OF COMMITTEE: 12th July 2017

BH2017/00071 150 Warren Rd, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00071	<u>Ward:</u>	Woodingdean
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	150 Warren Road, Brighton, BN2 6DD		
<u>Proposal:</u>	Roof alterations including roof extensions, raising of ridge height and installation of roof lights and solar panels to front and rear elevations. Erection of porch to side elevation, balcony to front elevation and associated works.		
<u>Officer:</u>	Andrew Huntley, tel: 292106	<u>Valid Date:</u>	16 January 2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 March 2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Graham Johnson Designs, 134 Hollingbury Road, Brighton, BN1 7JD		
<u>Applicant:</u>	Secom Technical Services Ltd, 15 The Cliff, Brighton, BN2 5RF		

1. RECOMMENDATION

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

1. The proposed roof extension, by reason of its excessive size, bulk and design would form a dominant and unsympathetic feature, to the detriment of the original character of the bungalow and the surrounding streetscene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance 12 Design Guide for Extensions and Alterations.
2. The proposed rear access, by reason of its elevated position constitutes an unneighbourly development which would result in harmful overlooking and loss of privacy to 69 Chanel View Road and 148 Warren Road, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

Informatives:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	36072/3		9 th January 2017
Block plan	36072/4		9 th January 2017
Details as Existing	36072/1		9 th January 2017
Details as Proposed	36072/2 A		9 th January 2017
Topographical Survey	CS16030		9 th January 2017

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application site is located on the northern side of Warren Road at the junction with Channel View Road and opposite the Woodingdean Memorial Park. The area is characterised by a mix of two-storey properties, chalet bungalows and bungalows. The property on the application site is a modest detached bungalow which has existing flat roofed extensions to the front, side and rear. At the rear of the garden is a detached flat roof garage with access onto Channel View Road. The site is bounded by a mature hedge.

3. RELEVANT HISTORY

3.1 None.

4. REPRESENTATIONS

4.1 Three (3) letters have been received from occupiers in the locality, supporting the proposed development on the following grounds:

- No major impact on light coming into our house and feel the upgrade to his property will benefit the area in terms of the look of the property.
- Warren Road is a road of very mixed and varied residences, some very large. Many have been extended over the years and have had front balconies added allowing them spectacular views that don't impact on neighbours.
- The property sits on a large corner plot set back from both adjacent roads with plenty of amenity space around it so it won't have a negative impact on the street scene.
- The property is currently badly designed with 1980 extensions. This redevelopment will bring these together whilst allowing the opportunity to remove asbestos panelling.

4.2 **Two (2)** letters have been received from occupiers in the locality objecting to the proposed development on the following grounds:

- This is and has been a single story building for many years. This proposed development is out of character for the area
- It will cause diminished light to neighbouring properties and overlook properties that are currently free from being so.
- This development will have an adverse effect on the residential amenity of neighbours by reason of overlooking, loss of privacy.
- It also raises concerns of over development by loss of garden and mature shrubs.
- The development is out of character and scale with what has been here for many years.
- Concerns over the fact that the applicant is a property developer and the way that they sought support from neighbours and the Ward Councillor.

4.3 Councillor Simson has supported the scheme. A copy of the letter is attached to the report.

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight should be given to relevant policies in the development plan 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
CP12 Urban design

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

QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Document:

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 proposal on the character and appearance of the host building and wider streetscene. In addition, the impact to the amenities of neighbouring properties shall also be assessed.

Design and Appearance

8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and:-
 - d) Uses materials sympathetic to the parent building.
- 8.3 SPD12 states that 'the original design of the building and its setting (including the general character of the street/area) should form the primary influence on the design of any extension or alteration.'
- 8.4 The proposal seeks to significantly extend the roof, in essence making it two storey with a mezzanine at third floor level, which adds even greater mass and bulk to the existing modest bungalow. The proposal is significantly larger in scale than the existing property and many of the surrounding properties. The width of the proposed roof extension when viewed from the front is at odds with roofs of the existing property and the surrounding properties which are pitched or hipped. This would look out of place in the street scene as there would be an over dominant, bulky two storey property surrounded by more modest dwellings. The resultant design is contrived and has a large area of flat roof, which is considered to be visually poor and out of character with the surrounding properties which have hipped and gabled roofs. This highlights the fact, that the proposal is a poor design solution to extending this property.
- 8.5 Overall, the proposed roof extension, by reason of its excessive size, bulk and poor design would form a dominant and unsympathetic feature, to the detriment of the original character of the bungalow and would be harmful to the character and appearance of the surrounding streetscene. Therefore, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance 12 Design Guide for Extensions and Alterations.
- Impact on Amenity**
- 8.6 Policy QD14 states that in considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.7 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.

- 8.8 It is considered that due to the siting of the dwelling, the proposal would not result in a loss of sunlight or daylight or appear overbearing due to its siting being sufficiently distant from neighbouring dwellings.
- 8.9 However, the proposed rear access, by reason of its elevated position constitutes an unneighbourly development which would result in harmful overlooking and loss of privacy to 69 Chanel View Road and 148 Warren Road, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

Other Considerations

- 8.10 The representation also included the concern over the loss of garden and mature shrubs. While this proposal may indeed result in the loss of some existing planting, the site is not within a protected area and the existing garden could be cleared by the owner in any event. Therefore, this loss would not warrant the refusal of planning permission and in addition, a suitably worded landscaping condition could have been attached if an approval were to have been recommended.
- 8.11 In addition, one representation raised concerns over the fact that the applicant is a property developer and the way that they sought support from neighbours and the Ward Councillor. Whether the applicant is a property developer or a member of the public is not a material planning consideration. All planning applications are determined on their planning merits. Nor is it unusual for applicants to discuss their proposal and seek their opinions and/or support from neighbours prior to the formal submission of a planning application. As such, this is not a material planning consideration and therefore cannot be a reason to refuse the application.

9. EQUALITIES

- 9.1 None identified.

9th February 2017
REF: BH2017/00071
150 Warren Road, Woodingdean, Brighton, BN2 6DD

Dear Sir/Madam

I am writing to support the above application for alterations to the roof and extension of the property.

Warren Road is a road of very mixed and varied residences, some very large.

Many

have been extended over the years and have had front balconies added allowing them spectacular views that don't impact on neighbours.

The property sits on a large corner plot set back from both adjacent roads with plenty of amenity space around it so it won't have a negative impact on the street scene.

The property is currently badly designed with 1980 extensions. This redevelopment will bring these together whilst allowing the opportunity to remove asbestos panelling.

If you are minded to refuse this application, I would ask that the final decision is made by the Planning Sub Committee following a site visit. This will allow them to see for themselves the diversity of the buildings in the vicinity.

Kind regards

Dee Simson

Cllr. Dee Simson



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 12th July 2017
COUNCILLOR REPRESENTATION

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2016/05845

31 Selborne Road Hove BN3 3AL

Erection of single-storey rear extension with associated alterations.

APPEAL IN PROGRESS

07/06/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON AND KNOLL

BH2016/05889

161 Elm Drive Hove BN3 7JA

Demolition of outbuildings and erection of 1no two bedroom dwelling (C3) incorporating new crossover.

APPEAL IN PROGRESS

07/06/2017

Planning (Applications) Committee

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOLLINGDEAN AND STANMER

BH2017/00117

31 Twyford Road Brighton BN1 9GN

Erection of two storey side extension with gable end roof and creation of front entrance and porch.

APPEAL IN PROGRESS

05/06/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOVE PARK

BH2017/01049

23 Tredcroft Road Hove BN3 6UH

Erection of first floor roof extension with associated alterations.

APPEAL IN PROGRESS

05/06/2017

Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2016/06490
<u>ADDRESS</u>	2 Plymouth Avenue Brighton BN2 4JB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from small house in multiple occupation (C4) to six bedroom house in multiple occupation (Sui Generis).
<u>APPEAL STATUS</u>	WITHDRAWN APPEAL
<u>APPEAL RECEIVED DATE</u>	11/05/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	19 Riley Road Brighton BN2 4AG
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/05/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2016/06531
<u>ADDRESS</u>	167 Waldegrave Road Brighton BN1 6GJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear infill extension with associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/06/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2017/00075
<u>ADDRESS</u>	94 Rugby Road Brighton BN1 6ED
<u>DEVELOPMENT DESCRIPTION</u>	Erection of first floor rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/06/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2016/06552
<u>ADDRESS</u>	72 St James's Street Brighton BN2 1PJ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use at first floor level from Retail (A1) to residential (C3) to form 1no one-bedroom maisonette with creation of additional storey and associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	18/05/2017

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2016/02179

12 Cranleigh Avenue, Rottingdean, Brighton, BN2 7GT

Erection of two storey rear extension incorporating roof alterations, including installation of rooflights. Conversion of existing garage to form habitable space at first floor level, extension of garage to connect to existing dwelling with revised fenestration and associated works.

APPEAL ALLOWED

16/05/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2016/06243

Land Adjacent To 2 Elvin Crescent Rottingdean Brighton BN2 7FF

Erection of a two storey 1 bedroom dwelling (C3) with associated parking

APPEAL IN PROGRESS

07/06/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2017/00340

26 Newlands Road Rottingdean Brighton BN2 7GD

Alterations and extensions to existing dwelling including removal of existing detached store room and conservatory, erection of two storey front extension, erection of part single, part two storey rear and side extension, raising of roof ridge height and alterations to northern gable, creation of 1no front balcony, 2no juliet balconies and insertion of 8no rooflights, widening of existing driveway and associated landscaping with revised fenestration and other associated works.

APPEAL IN PROGRESS

01/06/2017

Delegated

WARD

APPEALAPPNUMBER

ST. PETER'S AND NORTH LAINE

BH2016/00752

<u>ADDRESS</u>	101 Roundhill Crescent Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	18/05/2017
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2016/00753
<u>ADDRESS</u>	101 Roundhill Crescent Brighton
<u>DEVELOPMENT DESCRIPTION</u>	External alterations including repair works, alterations to boundary wall including installation of a new gate, reinstatement of cast iron window guards to second floor windows, alterations to fenestration and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	18/05/2017
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2016/02764
<u>ADDRESS</u>	6 Trafalgar Court, Brighton, BN1 4FB
<u>DEVELOPMENT DESCRIPTION</u>	Change of Use from residential dwelling (C3) to four bedroom small house in multiple occupation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/05/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2016/05542
<u>ADDRESS</u>	16 Upper Lewes Road Brighton BN2 3FJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey flat roof extensions to rear at lower ground and ground floor, conversion of ground floor outbuilding to form additional accommodation incorporating formation of link corridor and landscaping.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/05/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2016/03032

<u>ADDRESS</u>	45 Glen Rise Brighton BN1 5LN
<u>DEVELOPMENT DESCRIPTION</u>	Remodelling of existing bungalow incorporating roof extensions and raised ridge height to enable creation of first floor level, erection of single storey rear and side extensions and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/05/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2016/06521
<u>ADDRESS</u>	11 Bates Road Brighton BN1 6PF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/06/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

PLANNING COMMITTEE: 12th July 2017

Agenda Item 24

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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:	Awaiting decision from PINS
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

APPEAL DECISIONS

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Application BH2016/01142 - Appeal against refusal to grant planning permission for outline permission for two residential bungalows.
APPEAL DISMISSED (delegated decision)

B – 12 CRANLEIGH AVENUE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL	
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Application BH20016/02179 – Appeal against refusal to grant planning permission to erect a two storey flat roofed rear extension to an existing two storey detached house, conversion of an existing garage to form a new bedroom at first floor with a dormer to the rear and including connecting the existing garage to the existing house. Raise the existing flat roof to the north elevation by 500mm. Provide four new Velux roof lights to the front of the house and garage. **APPEAL ALLOWED** (delegated decision)

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Application BH2016/00202 – Appeal against a refusal to grant planning permission for proposed roof conversion to form 2No, 1 bed penthouse flats (resubmission of BH/2016/00202).
APPEAL ALLOWED (delegated decision)

D – 7 – CHURCH PLACE, BRIGHTON – EAST BRIGHTON	213
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Application BH2016/01794 – Appeal against a refusal to grant planning permission for demolition of existing garage workshop and flat and erection of 6no three bedroom dwellings. **APPEAL DISMISSED** (delegated decision)

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Application BH2016/02404 – Appeal against a refusal to grant planning permission for internal alterations to listed dwelling house
APPEAL DISMISSED (delegated decision)

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Application BH2016/02907 – Appeal against refusal to grant planning permission for change of use from dwelling house (C3) to a house in multiple occupation (HMO) (sui generis).

APPEAL ALLOWED (delegated decision)

G – 84 ASHURST ROAD, BRIGHTON – MOULSECOOMB & BEVENDEAN 227

Application BH2016/05089 – Appeal against refusal to grant planning permission to permit change of use from a single dwelling house (C3) to a small house in multiple occupation (C4).

APPEAL DISMISSED (delegated decision)

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Application BH2015/01736 – Appeal against refusal to grant planning permission for demolition of existing ground floor commercial accommodation and 2 storey residential above. Erection of a new 4 storey mixed use development consisting of 2no. A1-A5 use on the ground floor with 8 flats over three storeys above. **APPEAL DISMISSED** (delegated decision)

I – 24 OLD STEINE, BRIGHTON – QUEENS PARK 237

Application BH2016/05355 – Appeal against refusal to grant planning permission for conversion of existing undercroft/basement to form a studio flat. **APPEAL DISMISSED** (delegated decision)

J – BRIGHTON DENTAL CLINIC, ST JAMES’MANSIONS, 16-18 OLD STEINE, BRIGHTON – QUEENS PARK 241

Application BH2016/05421 – Appeal against refusal to grant planning permission for installation of air conditioning condenser unit and retrospective consent for existing air conditioning unit on eastern (rear) elevation. **APPEAL DISMISSED** (delegated decision)

K – 63 PARK ROAD, BRIGHTON – HOLLINGDEAN & STANMER 247

Application BH2016/05536 – Appeal against refusal to grant planning permission for change of use of an existing C4 house in multiple occupation to a Sui Generis large house in multiple occupation. **APPEAL DISMISSED** (delegated decision)

**L – FIRST FLOOR FLAT 82 STANMER PARK ROAD,
BRIGHTON – HOLLINGDEAN & STANMER** **251**

Application BH2016/05726 – Appeal against refusal to grant planning permission for proposed loft conversion. **APPEAL DISMISSED** (delegated decision)

**M – OFFICE ADJOINING 91 STANFORD AVENUE,
BRIGHTON – HOLLINGDEAN & STANMER** **255**

Application BH2016/05209 – Appeal against refusal to grant planning permission for alteration and conversion of the existing detached garage building to form a new dwelling with off road parking space. **APPEAL DISMISSED** (delegated decision)

N – 1 SURRENDEN CRESCENT, BRIGHTON – WITHDEAN **261**

Application BH2016/05209 – Appeal against refusal to grant planning permission for demolition of an existing dwelling (6 bed) and erection of three dwellings (one x 3 bed & two x 5 bed) with associated landscaping, parking, access, cycle and refuse storage **APPEAL DISMISSED** (delegated decision)

O – 23 CAMBRIDGE GROVE, HOVE – GOLDSMID **265**

Application BH2016/02570 – Appeal against a refusal to grant planning permission for part change of use of existing mixed-use building from 3no ground floor garage / workshops (B1) and maisonette (C3) above to create a separate dwelling house (C3) and 2no retained ground floor (B1 garage / workshops and maisonette above **APPEAL ALLOWED** (delegated Decision)

**P – DEREK HOUSE, 45 NEW CHURCH ROAD, HOVE –
WESTBOURNE** **269**

Application BH2016/02242 – Appeal against refusal to grant planning permission for replacement of existing balcony balustrading to elevations with metal balustrade and obscure plain glass screens. **APPEAL ALLOWED** (delegated decision)

**Q – 113 – 115 TRAFALGAR ROAD, PORTSLADE – SOUTH
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Application BH2016/01784 - Appeal against refusal to grant planning permission for demolition of the existing bungalows and the erection of 8no. 1 bed flats and 4no. studio flats.

APPEAL DISMISSED (delegated decision)

**R – 14 FOXHUNTERS WAY, PORTSLADE, – NORTH
PORTSLADE 277**

Application BH2016/05349 – Appeal against refusal to grant planning permission for the proposals are for the conversion of existing 5/6 bed chalet bungalow to 2 self-contained family 2/3 bed bungalows, with single storey rear extensions, and associated parking and ancillary areas'. **APPEAL ALLOWED** (delegated decision)

Appeal Decision

Site visit made on 16 May 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 8th June 2017

Appeal Ref: **APP/Q1445/W/17/3169174** **Land at Greenbank Avenue, Saltdean**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by St Mowden Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01142, dated 1 April 2016, was refused by notice dated 10 August 2016.
 - The development proposed is an outline application for two residential bungalows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. The plans submitted with the application were as follows; Block and location plan, Existing site plan, Proposed Floorplans (indicative), Proposed Elevations (indicative), and Site Habitat Plan. I have treated these as illustrative plans.

Main Issue

3. The main issue is the impact of the proposal on open space.

Reasons

4. The appeal site slopes steeply away from Greenbank Avenue, and is surrounded on three sides by residential dwellings on Arlington Gardens, Berwick Road and Hempstead Road. The surrounding residential dwellings are predominantly bungalows or two storey detached dwellings. The site is one of three sites owned by the appellant and is identified as Plot 3; all three plots form backland open space areas to the rear of residential dwellings.
5. The appeal site forms part of an area identified as open space in the Brighton and Hove City Plan Part One 2016 (B&HCPPO). Policy CP16 of the B&HCPPO seeks to retain open space unless at least one of four exception criteria is met. For the purposes of assessing this appeal criteria Policy CP16(d) of the B&HCPPO is the relevant section and reads;

"the site is:

- *physically incapable of meeting the city's wider open space needs;*
-

- *is not part of the beach or a playing field (current or historical); and,*
 - *in accordance with the Open Space Study Update 2011 (or subsequent approved revisions), is of a poor quality without potential for improvement (current and potential) and there is an identified surplus (current and future) in all types of open space within the locality (ward and sub area). In order to test the importance of the site to the local community the site must be actively marketed at a price that reflects its use, condition and local market prices for at least a year with no success before alternative proposals can be considered."*
6. The appeal site is described as being largely overgrown and underutilised. On the day of my site visit the grass had been cut and it was possible to walk around the space. A number of the adjacent properties have gates giving direct access to the open space, and residential paraphernalia, such as children's play equipment and benches have been put on it. It is clear from the considered maintenance of the areas of open space adjacent to the rear of the properties that this activity has been carried out for some time. Therefore, despite the lack of general maintenance which would encourage wider usage, the space does appear to be used by the surrounding residents. In my view the open space helps to satisfy the need for open space in the area.
 7. It is clear through the physical location of the site and its history that the open space is not part of the beach or a playing field.
 8. The Council's Open Space Study Update 2011 (the 2011 Study) graded the open space as very poor quality. However, the 2011 Study also graded the space as having a very high potential to be improved. Whilst I acknowledge that the topography of the area restricts the use of the appeal site, I consider, based on the evidence, that the open space has the potential for improvement.
 9. The 2011 Study concludes at table 3.2.2 that there is a surplus of Natural and Semi Natural Urban Greenspace, Outdoor Sports Facilities and Parks and Gardens in the area of Rottingdean Coastal Sub Area (within which the appeal site falls). However, there is not a surplus in Allotments and Urban Farms, nor in spaces for Children and Young People in the Rottingdean Coastal Sub Area. As such, the Rottingdean Coastal Sub Area is indicated to have an open space deficit by 2030. Therefore, there is not a surplus in open space overall, and existing open space within this area should be retained unless a partial loss can be justified.
 10. The proposal does not accord with the specific criteria set out in Policy CP16 of the B&HCPPPO. Furthermore, I have no evidence before me to suggest that the appeal site has been marketed at a price that reflects its use, condition and local market prices for at least a year.
 11. The additional built form along the front of the site would restrict access to the remainder of the open space. I note the appellant's commitment to continuing to allow access to the remaining open space, as is the current situation on Plot 1 and Plot 2. At the time of my site visit the accesses to Plot 1 and Plot 2 did not appear to have been maintained and were overgrown, making access to the open space difficult. In my view, the proposal would have the effect of limiting the use of the open space, as demonstrated on Plot 1 and Plot 2. Accordingly I do not agree with the appellant's assertion that the proposal would have a limited impact on the open space.

12. I accept that there are alternative open space offerings. However in my view this does not in itself justify the loss of this area of open space, which, although not widely used presently, does appear to be used by local residents and is not surplus to requirements.
13. The proposal would provide two additional homes and would make a modest contribution to the housing supply in the area which would be a benefit. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given, I conclude that the harm identified by the loss of the open space would significantly outweigh the benefits of the proposal. As such, the proposal would not represent sustainable development.
14. Accordingly I conclude that the appellant has failed to demonstrate that the open space is physically incapable of meeting the city's wider open space needs or is of a poor quality without potential for improvement. The appellant has not provided evidence to demonstrate that there is an identified surplus in all types of open space within this locality. The appellant has not provided evidence that the site has been actively marketed at a price that reflects its use, condition and local market prices for at least a year with no success. As such, the proposal does not comply with the exception criteria set out in Policy CP16 of the B&HCPPO.

Conclusion

15. For the reasons above and taking account of other matters raised I conclude that the appeal should be dismissed.

Johanna Ayres

INSPECTOR



Appeal Decision

Site visit made on 6 June 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 19th June 2017

Appeal Ref: APP/Q1445/D/17/3174451

12 Cranleigh Avenue, Rottingdean, Brighton BN2 7GT

- 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 Mrs Lorraine Brown against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02179, dated 11 June 2016, was refused by notice dated 2 February 2017.
 - The development proposed is the erection of a two storey flat roofed rear extension to an existing two storey detached house, conversion of an existing garage to form a new bedroom at first floor with a dormer to the rear and including connecting the existing garage to the existing house. Raise the existing flat roof to the north elevation by 500mm. Provide four new Velux roof lights to the front of the house and garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension incorporating roof alterations, including installation of rooflights. Conversion of existing garage to form habitable space at first floor level, extension of garage to existing dwelling with revised fenestration and associated works at 12 Cranleigh Avenue, Rottingdean, Brighton BN2 7GT in accordance with the terms of the application, Ref BH2016/02179, dated 11 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan; Location Plan; Floor plans and elevations; MCA/CA/003 Rev D; MCA/CA/005 and MCA/CA/006.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension 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 samples.
 - 4) The proposed windows in the north 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.

Procedural Matter

2. The application was described in the application form as a proposed two storey flat roofed rear extension to an existing two storey detached house, conversion of an existing garage to form a new bedroom at first floor with a dormer to the rear and including connecting the existing garage to the existing house. Raise the existing flat roof to the north elevation by 500mm. Provide four new Velux roof lights to the front of the house and garage.
3. However, amendments were made to the proposal through-out the course of the application process. I have used the description used by the Council in its decision notice, the officer report, and the appeal form, as I consider this to be a more accurate description of the proposal and I have therefore considered the appeal on this basis.

Main Issue

4. The effect of the proposal on the character and appearance of the host dwelling.

Reasons

5. The property is within the residential area. Generous sized detached properties of a varied design and style are set either side of Cranleigh Road which slopes steeply towards the sea front.
6. The first floor extension to the garage to connect it to the main property and the insertion of rooflights in the garage roof would be in keeping with the overall style of the front elevation of the host dwelling. The rooflights proposed in the main roofline would sit either side of the dormer window, and due to their size and sympathetic siting, would not have a detrimental effect on the character and appearance of the property. The front elevation of the property would remain unaltered in all other respects.
7. When viewing the property from the rear the garage is seen in the context of the rear elevation, and the proposal would further enhance this. Taking into account this wider aspect of the elevation, the proposed two storey rear extension would span approximately half the width of the host dwelling. It would not extend past the current rear building line of the property. Due to the width of the plot the additional built form could be accommodated without it becoming an overly dominant feature of the rear elevation.
8. I do not consider that the extension would relate poorly to the architectural features of the host dwelling. I saw on my site visit that due to the existing break between the garage and the host dwelling, and the layout of the ground floor, the rear façade currently appears piecemeal and irregular. The design of the proposal would achieve a more simplified rear elevation, which would encompass the garage as a more integral part of the dwelling, and allow the scale of the extension to be seen in the context of a broader elevation.
9. The ridgeline of the extension would be less than one metre below the ridgeline of the host property. The roof of the extension would be hipped, allowing some views of the existing steep slope of the host dwelling roofline, and would sit adjacent to the steeply pitched roof of the garage. In my view, the retention of the garage roofline, and the remaining views of the host dwelling roofline, would allow the extension to sit within the built form of the host dwelling.

10. The appellant has accepted that a pebble dash finish could be used if appropriate. It is my view that the materials of the extension should match those of the host dwelling and I have therefore addressed this by way of condition.
11. Accordingly, I conclude that the proposal would result in an extension that is well designed and sited in relation to the property in respect of its scale and design. The proposal therefore complies with Policy QD14 of the Brighton and Hove City Plan Part One 2016, and the guidelines set out in Supplementary Planning Document 12 "design guide for extensions and alterations", which seek to ensure that development is appropriate in scale and mass and in its relationship to the character and appearance of the host dwelling and surrounding area.

Other Matters

12. I note the concerns raised by the occupiers of the neighbouring property No. 14 in respect of the effect of the proposal on their living conditions. I am satisfied that the proposal maintains an adequate separation distance from the neighbouring property to avoid the proposal being overbearing or having a detrimental impact in respect of the neighbouring occupier's outlook. In respect of the side windows on the proposal, one window would serve a bathroom. The second window would serve a bedroom and, due to the existing windows on the south elevation of No 14, I have included a condition to avoid any harm to the occupiers of No 14 Cranleigh Road in respect of loss of privacy.

Conditions

13. The Council has suggested a number of conditions which I have considered in accordance with the Framework and Planning Practice Guidance.
14. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the submission of materials as this is necessary to safeguard the character and appearance of the area.
15. A condition suggested by the Council to require obscure glass and limit the opening of the side windows facing No 14 Cranleigh Road is necessary to protect the living conditions of the occupiers of No 14.
16. I have not included a condition suggested by the Council requiring the garage to be used as ancillary accommodation as I have no evidence that leads me to conclude that the condition meets the necessary tests as set out in the PPG.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

Johanna Ayres

INSPECTOR



Appeal Decision

Site visit made on 15 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 23rd June 2017

Appeal Ref: APP/Q1445/W/16/3165872

Arundel Court, Arundel Road, Brighton BN2 5TX

- 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 Jack Woodward of Sevenbuild Freeholds Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01733, dated 11 May 2016, was refused by notice dated 7 July 2016.
 - The development proposed is a roof conversion to form 2No, 1 bed penthouse flats (resubmission of BH/2016/00202).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located in a mixed use area with retail, industrial and residential premises within the immediate vicinity of the site. The existing building comprises of three storeys with residential and commercial uses on the ground floor and further residential accommodation on the first and second floors. The second floor accommodation is within the mansard style roof. There are two stair towers which project from the front elevation to give a vertical element to the otherwise horizontal nature of the buildings design. The building itself does not exhibit any special architectural interest.
 4. The proposed development would add further dormer windows above the existing second floor windows and create a large flat roof area between the two extended stair towers. To the rear this would also include two vertical 'fire walls' which would project beyond the existing roof plain and would form the side walls of the extended roof.
 5. The extension of the stair towers and the proposed vertical fire walls at the rear to the ridge line of the roof would appear as an overly dominant feature giving the building a top heavy appearance. The section of roof at the rear, between the two fire walls would have the bulk of an overly large box dormer, and would be significantly out of character with the design and appearance of the host building and the surrounding development. Additionally, the new
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dormer windows above the existing dormers would further exacerbate the incongruity of the proposed development.

6. Whilst I do not find that the principle of a crown roof is unacceptable given that other flat roof buildings existing in the immediate locality, or the rendering of the stairwells, this does not overcome the significant harm I have already identified.
7. For the above reasons, the development would result in significant harm to the character and appearance of the host building and the wider area in conflict with Policy QD14 of the Brighton and Hove Local Plan 2005, Policy CP12 of the Brighton and Hove City Plan Part One (2016) and the Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' which amongst other matters seek to proposals are well designed, sited and detailed in relation to its host property, adjoining properties and the surrounding area.

Other matters

8. The proposal would result in the provision of two additional dwellings which would assist in the delivery of much needed new housing. Whilst the provision of much needed new housing is clearly a benefit this does not outweigh the harm I have identified.
9. I have also had regard to the concerns raised in the representations from the Council's consultation period on the application, and through the appeal consultation period including matters such as possible disruption from building works, the impact on communal areas and facilities, maintenance costs, asbestos, access, safety and parking issues.
10. Had I been minded to allow the appeal, matters such relating to the construction process could have been controlled by suitably worded planning conditions. In respect of the other matters, none of them add to the reason for dismissing this appeal.

Conclusion

11. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 22nd June 2017

Appeal Ref: **APP/Q1445/W/17/3166685** **7-11 Church Place, Brighton BN2 5JN**

- 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 outline planning permission.
 - The appeal is made by Mr Andrew Lee of Lee Hire Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/01794, is dated 5 May 2016.
 - The development proposed is the demolition of existing garage workshop and flat and erection of 6no three bedroom dwellings.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing garage workshop and flat and erection of 6no three bedroom dwellings is refused.

Procedural Matter

2. The appeal application has been submitted in outline with the application form indicating that landscaping is to be considered at the outline stage. I have therefore dealt with the appeal on this basis. Notwithstanding that, drawings were submitted with the application which included details of how the proposed development might be formed. However, given that all matters except landscaping are reserved for subsequent approval I have given these drawings little weight where they relate to matters not relevant to landscaping matters.

Main Issues

The main issues are

- (i) The effect of the development on Heritage Assets;
- (ii) whether the proposal makes adequate provision for affordable housing; and
- (iii) the effect of the development on the on the supply of employment land .

Reasons

Heritage Assets

3. All of the buildings on the appeal site are designated as locally listed buildings and as such are non-designated heritage assets. The site is also located just outside of the Kemp Town Conservation Area. The Church of St Mark, located

- at the corner of Church Road and Eastern Road is a Grade II Listed Building, beyond which is the East Cliff Conservation Area. The Grade I Listed Buildings of Sussex Square are also in proximity to the site.
4. The appeal documents include a Historic Building Assessment (HBA) which contains an extract from the local listing which identifies that all of the buildings on site as being part of the Marquis of Bristol Estate Buildings.
 5. In respect of the appeal site, the HBA focusses on the buildings at 1-5 Church Place. However, it does acknowledge the significance of the garage itself which is the site of the original diary and that it should be considered as part of the group of buildings, which reflects the local listing designation. Whilst I agree that its significance is reduced by the later alterations, the garage site nevertheless has an important historical aspect.
 6. From the application, and appeal, documentation it is not clear which parts of the existing structures are to be retained or re-used. It is stated that some of the walls will be preserved as retaining walls but it is not clear which they are or the extent of them. In addition to the above, it is noted that the plans submitted with the application appear to show that the new buildings, on the part of the site where the locally listed buildings are, would utilise the existing external walls.
 7. Whilst this uncertainty may be, in part, as a result of the outline nature of the proposal it nevertheless means that there is not a clear indication of what the overall impact would be on the locally listed buildings.
 8. The Council have also raised concern over the indicative plans in that the development shown would obscure the north elevation of the current shop unit. Given that landscaping is being considered at the outline stage, the details shown does give a broad indication of the position of the proposed buildings and their impact in relation to the existing retained buildings. In this respect, I agree with the Council that the location of this element of the development would have a detrimental impact on the setting of 5 Church Place owing position close to the front of the building.
 9. Taking all of the above into account, I consider that the proposed development would give rise to an unacceptable level of harm to the locally listed buildings on the site, including 5 Church Place.
 10. I have also considered the potential public benefits to the non-designated heritage assets. Subject to a suitable scheme coming forward through the consideration of reserved matters (should I be minded to allow the appeal), the development could retain and allow for the walls to be repaired and maintained. However, I do not consider that this potential benefit would outweigh the harm I have already identified.
 11. Turning to the effect of the development on the heritage assets off site, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of the Church of St Mark, and the buildings in Sussex Square.
 12. Whilst I share the Council's concern over the effect of the indicative scheme on the setting of these buildings, I am conscious that as an outline application, with all matters except landscaping reserved. Notwithstanding those concerns, I am of the view that it would be possible to develop a scheme of six 3-

bedroomed dwellings which would not have any adverse impact on the setting of any of these listed buildings.

13. In respect of the effect of the development on the Kemp Town Conservation Area, the proposal would have some impact on views into and out of the Area. However, with a suitable design of buildings, the proposal would not give rise to any material harm.
14. Finally, in respect of the East Cliff Conservation Area, this is located to the south of the site beyond the Church of St Marks. Given the distance between the Conservation Area and the appeal site, including the Church in-between, the development would not have any adverse impact on its setting.
15. The Council have also cited that the development would represent an overdevelopment of the site. However, this appears to have been advanced on the basis of the effect of the development on the heritage assets. From the evidence before me, the Council consider that a suitable scheme could be designed as reserved matters stage in respect of other requirements of the development such as parking provision and amenity space and I have no reason to disagree. Given that position, I am not convinced that the development would represent an overdevelopment of the site.
16. For the above reasons, the proposed development would result in significant harm to the non-designated heritage assets on the site contrary to the provisions of Policy HE10 of the Brighton and Hove City Plan Part One (2016) (CP) which amongst other matters seeks to ensure the retention and continued use of buildings of local interest, such as locally listed buildings.

Affordable housing

17. Policy CP20 of the CP requires the provision of affordable housing on all sites of 5 or more dwellings. For sites of between 5 and 9 (net) dwellings a target of 20% affordable housing should be provided as an equivalent financial contribution. The Council have indicated that £216,000 would be an appropriate level of financial payment towards the provision of affordable housing elsewhere.
18. The policy also states that this target may be applied more flexibly where the Council consider this to be justified with consideration given to the accessibility of the site, the costs relating to the development (and in particular financial viability), whether affordable housing would prejudice the realisation of other planning objectives, and the need to achieve a successful housing development.
19. However, following the Court of Appeal's judgement of 11 May 2016, wherein the Secretary of State successfully appealed against the judgment of the High Court of 31 July 2015, it follows that considerable weight should be given to the Secretary of State's Written Ministerial Statement (WMS) of 28 November 2014 and the updated Planning Practice Guidance which indicates that planning obligations of this type should not be sought from development of this limited scale.
20. Notwithstanding that, the determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. The WMS is clearly a material planning consideration for

which I attach great weight to as it represents the clearest and most up-to-date expression of national planning policy.

21. The Council have referred me to the Objectively Assessed Needs for Housing : Brighton & Hove (2015) (OAN) which has identified a significant need for additional affordable housing (of 810 units per annum) over the plan period to 2030. Reference is also made to the Council's housing register which indicates a significant need for affordable housing.
22. Considering all of the above matters, there is substantial local evidence of the need for affordable housing. Whilst I have attached considerable weight to the WMS, this does not outweigh the need for affordable housing as required by Policy CP20.
23. The Appellant has indicated that a contribution of £36,000 per dwelling (plus the loss of the existing flat) together with the expected high build costs as a result of preserving the existing walls of the workshop, removing the filled in fuel tanks, and removing contaminated soil would render the redevelopment of the site uneconomic. However, no viability appraisal has been provided to me which would demonstrate that would be the case. In the absence of such, there is not a compelling argument to justify a reduced or waived contribution in the context of Policy CP20.
24. Given the Development Plan policy, I conclude that the provision of affordable housing is necessary to make the proposal acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Consequently, it would satisfy the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.
25. For the above reasons, the development would not, in the absence of a completed section 106 obligation, provide an appropriate mechanism to secure much needed affordable housing contrary to Policy CP20 of the CP.

Employment land

26. Policy CP3 of the CP seeks to ensure that sufficient employment sites and premises are safeguarded in order to meet the needs of the City. The policy goes on to state that the loss of unallocated sites will only be permitted where the site or premises can be demonstrated to be redundant or incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). Given that the site is currently operational as a vehicle recovery garage the site is clearly not redundant.
27. In terms of meeting the needs of alternative employment uses, very little evidence has been provided that demonstrates that the site could not meet the needs of an alternative employment use, either by use of the current buildings or as part of a redevelopment scheme.
28. Whilst the proposed development would clearly have substantial benefits in removing a vehicle recovery garage from a predominantly residential area, in the absence of any investigation as to whether an alternative employment use could utilise some, or all, of the site the proposal is clearly in conflict with Policy CP3.

29. In coming to that conclusion I acknowledge that the flower shop would remain and that vehicle recovery business would relocate to a more appropriate site. However, this would not overcome the net loss of employment land should I have been minded to allow the appeal.
30. For the above reasons, the proposal fails to demonstrate that the site is incapable of meeting the needs of alternative employment uses contrary to Policy CP3 of the CP.

Other matters

31. The Appellant has raised concerns over the Council's processing of the planning application. However, these concerns are procedural matters which have very little bearing on the planning merits of the development before me.

Conclusion

32. Taking all matters into consideration, including some letters of support, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 22 May 2017

by **Kenneth Stone BSc Hons DipTP MRTPI**

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

Decision date: 12 June 2017

Appeal Ref: **APP/Q1445/Y/17/3166601** **29 Bloomsbury Place, Brighton BN2 1DB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Joshua Silva against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02404, dated 29 June 2016, was refused by notice dated 5 December 2016.
 - The works proposed are described as 'internal alterations to listed dwelling house'
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the works in the banner heading is taken from the original application form as that is what consent was sought for. This is a very generic description and unsurprisingly the Council have elaborated on that description in how they have described the proposed works. I note also that the appellant has amended the description in the appeal forms. None of these are consistent. However on the basis of the plans and information before me I have considered it on the basis of the Council's description of the proposed works 'Removal of windows from out rigger and rear of the main part of the house on lower ground and ground floor level. Replace lower ground floor living room window with double doors and other alterations to doors. Enclosure and conversion of the outdoor courtyard to create habitable space through the replacement of timber decking with an asphalt flat roof. Internal alterations to layout of dwelling'. This description more accurately captures the elements of the works that have been undertaken. At the time of my visit the works had been completed.

Main Issue

3. The main issue is whether the works preserve the Grade II listed building, known as 29 Bloomsbury Place, or any features of special architectural interest that it possesses.

Reasons

4. The appeal property is a grand early 19 century four storey over basement mid-terrace property. It is part of a terrace of regency properties listed for their group value which create a cohesive and attractive street albeit with
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- variations in elevational detail and architectural features. Its significance is predominantly derived from the architectural quality and design of the buildings facades and their contribution to the street. However, the internal layout, plan form and architectural detailing contribute to the evidential and historic value of the property in constructional and social understanding.
5. The works include the conversion of the lower ground courtyard into an internal space. This has been achieved by the removal of windows and doors from the outrigger side elevation and the replacement of an original window to a door. The courtyard has been roofed over and sealed and the external walls plastered. Other internal alterations have also been undertaken to the property including removing and relocating stud walls, and provision or replacement of a door to the ground floor boot room.
 6. The Council confirm that the alterations to the boot room do not cause harm to the significance of the building and I see no reason to disagree with this assessment. Similarly the other minor works that have been undertaken do not have a significant impact on architectural features, room proportions or other significant aspects of the internal arrangement of the property.
 7. The alterations and works associated with the conversion of the courtyard are however more substantive. Albeit that the area was covered by wooden decking which may have compromised its usability as an external amenity space there is no evidence that there were works undertaken to remove other historic features. The external yard area and its access from the lower ground space was an obvious and important aspect of the original layout of the building. There was an obvious division between the external and internal space with the outrigger providing access to the space and having small windows. The rear elevation of the lower ground floor room looked out to that space and the surrounding walls would have had external finishes. The works that have been undertaken have significantly blurred that separation of spaces. The plastered walls and internalised space is read as a separate room and except for the slightly raised steep there is little to distinguish it from the remainder of the internal spaces at the lower ground floor. This obscures and compromises the historic plan form of the building and therefore harms the significance of the listed building.
 8. Whilst there is harm to the plan form of the building this does not totally compromise the integrity of the historic asset and does not fundamentally compromise the quality of the architectural composition or its impact on the street scene, as such the harm is less than substantial. Whilst the harm would be less than substantial, any harm to an historic asset must be given significant weight and importance.
 9. Paragraph 134 of the National Planning Policy Framework requires that I balance this harm against the public benefits of the proposal including securing its optimum viable use. The proposal would add to the internal space of the property but not significantly affect its viable use. It would improve the space and usability of the area to the benefit of the occupant but this is a private rather than public interest. There are no significant public interests in the context of these works and therefore they do not outweigh the harm to the heritage asset.
 10. I accept that the area is reasonably discreetly located and there would be no significant change in external views of the area however this is not the critical

consideration in whether the works affect the significance of the listed building and is not given significant weight in my considerations.

11. In considering whether to grant listed building consent I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. On the basis of the above I conclude that the works do not meet this requirement and do result in material harm to features of special architectural or historic interest which the building possesses, namely the plan form and fenestration detailing on the lower ground floor.
12. For the reasons given above I conclude that the appeal should fail.

Kenneth Stone

INSPECTOR

Appeal Decision

Site visit made on 9 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/Q1445/W/17/3166975

26 May Road, Brighton BN2 3EB

- 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 C & L Dwyer Smith Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02907, dated 4 August 2016 was refused by notice dated 18 November 2016.
 - The development proposed is change of use from dwelling house (C3) to a house in multiple occupation (HMO) (sui generis).
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Decision

1. The appeal is allowed and planning permission granted for change of use from dwelling house (C3) to a house in multiple occupation (HMO) (sui generis) at 26 May Road, Brighton BN2 3EB in accordance with the terms of the application, Ref. BH2016/02907, dated 4 August 2016, subject to the following condition:
 - 1) The development hereby permitted, including the communal ground floor room annotated as Kitchen/Breakfast Room, shall be retained in accordance with the layout shown on drawing 1171/03, and the development shall not be occupied by more than seven persons.

Procedural Matter

2. Based on the submitted evidence and what I saw at my site visit, the proposed change of use has already taken place. A dormer window has also been recently added to the rear roof slope. I do not have elevational details of this, but it is clear from the floorplans, and from what I saw, that this addition is necessary for the continued operation of the house in multiple occupation (HMO) as proposed. Although the appellant says that it was constructed as permitted development prior to the change of use occurring, this is disputed by the Council, and I have no conclusive evidence in support of the appellant's position.
3. Accordingly, I am inclined to the Council's view that the dormer window is part and parcel of the development as proposed, and I have approached the appeal on that basis. Both main parties and neighbouring residents have also commented on the merits of the dormer window, and I am satisfied that no injustice would occur as a result of this approach.

Main Issues

4. The main issues are

- (1) the effect of the use on the living conditions of the occupiers of dwellings in the surrounding area, particularly with respect to noise and disturbance, and
- (2) the effect of the rear dormer on the character and appearance of the area.

Reasons

Use of the building

5. The appeal relates to a semi-detached property paired with 28 May Road on the southern side of the road. It is located some two metres above street level on rising ground levels.
6. Policy CP21 of the Brighton and Hove City Plan Part One dated March 2016 supports the aim of providing mixed and balanced communities, and in relation to changes of use to houses in multiple occupation seeks to limit their density to less than 10% within a 50 meter radius of a site. The appeal proposals satisfy this assessment and the Council raises no objection to the principle of the use of the property as a house in multiple occupation (HMO), subject to an assessment of other material considerations.
7. The property could be used as a HMO under Class C4 by up to 6 persons without the need for a grant of planning permission. The proposed layout provides for 7 bedrooms in addition to communal facilities and so would constitute a large scale HMO, a 'sui generis' use for more than 6 persons sharing the property.
8. The Council have provided background material in relation to the problems encountered with HMOs in general within Brighton, but have produced little evidence in relation to any issues of noise and disturbance in relation to the site itself. The Council asserts that there would be disturbance arising from a far more intensive use by seven unconnected adults when compared to a typical family use, particularly as the property is semi-detached. Whilst individual bedrooms would adjoin the party wall with 28 May Road, the communal living and kitchen area would not and this is where noise and activity is most likely to occur through the assembling of occupiers. The use has been in place for over a year but there would appear to have been few complaints arising from the use.
9. Policy QD 27 of the Brighton and Hove Local Plan (2005) (saved policies) states that planning permission will not normally be granted for a change of use where it would cause material nuisance and loss of amenity to adjacent occupiers. Given the limited evidence of harm arising to date from the use and that the level of occupation would be only one person above that which could be undertaken under permitted development allowances, I conclude that any increase in noise and general disturbance arising from the occupation by a maximum of 7 tenants would not be material. As such I do not find conflict with the provisions of this policy.

The rear dormer

10. The appeal site comprises a two storey semi-detached building paired with 28 May Road. They were originally constructed with hipped pitched roofs, but

both now have undergone roof alterations. There is a barn end gable wall to no. 28 that enables provision of a full width rear facing dormer, whereas no. 26 has undergone a hip to full gable change, also with inclusion of a rear facing dormer. The two dormers are of similar size and design, occupying most of the width of each house, but are set in from the raised flank wall to each property. The proposal rebalances this pair of semi-detached properties and re-establishes a sense of symmetry.

11. To the west of the site there is a row of semi-detached properties that retain their original hipped roofs, whereas to the east is a new three storey building and other new buildings beyond this. The site therefore acts as a transition between these two character areas.
12. Policy QD 14 of the Brighton and Hove Local Plan (2005) (saved policies) seeks to ensure that new development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The dormer has been designed, sited and detailed to resemble that at 28 May Road. Supplementary Planning Document 12, Design Guide on Extensions and Alterations (adopted June 2013) (SPD 12) recognises the expediency of this approach: "where one half of a pair of semi-detached houses has previously been altered and this has created an imbalance, a well-designed alteration that returns symmetry to the pair may be acceptable". The Council objects to the large box design of the dormer, and SPD 12 discourages the provision of full width box dormers. However, in this instance, having regard to the location of the pair of properties in a transitional position between two character areas, I consider that the particular design proposed to be acceptable. Accordingly I do not find a conflict with the development plan on this issue and conclude that there would not be an adverse effect on the character and appearance of the area.

Other Matters

13. There are representations from residents to the rear of the site expressing concern about overlooking and loss of privacy from the dormer window(s). The Council has not objected to the dormer on this issue and having regard to the separation distances to the properties to the rear, I consider that any overlooking would not be so significant to warrant refusal of permission on this ground.
14. There is also some concern that planning permission is being sought retrospectively. This is not a factor that I can take into account; the appeal must be determined on its planning merits.
15. There is a garden store in the rear garden that contained one bike at the time of my visit, but which is large enough to accommodate three bikes and so satisfy the requirements of local planning policy on this issue.

Conditions

16. I have reviewed the Council's suggested conditions. The time period and plan number conditions are unnecessary as the development has already been implemented in accordance with the submitted plans. The third suggested condition, relating to retention of the approved layout, requires amendment as the development has been implemented. To my mind one condition could cover retention of the layout and the maximum number of occupiers (the Council's forth suggested condition) to satisfy the policy requirement to ensure

that a satisfactory standard of accommodation is retained at the property. This would also encompass the issue in the appellant's one suggested condition.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 22nd June 2017

Appeal Ref: APP/Q1445/W/17/3166698

84 Ashurst Road, Brighton BN2 4PH

- 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 Jack Hiatt against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05089, dated 23 August 2016, was refused by notice dated 8 December 2016.
 - The development proposed, from the application form, is that there is no proposed development or works required. The request is for change of use from a single dwelling house (C3) to a small house in multiple occupation (C4).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and amenity of the area and on the living conditions of the future occupiers of the development.

Reasons

Character and amenity

3. The appeal site is located at the head of a cul-de-sac which generally consists of pairs of semi-detached properties. From the submitted plans, the property consists of three bedrooms and a bathroom on the first floor, with a kitchen, a dining room and a further bedroom on the ground floor. However, at the time of my site visit, the dining room was being used as a further bedroom, and bedroom four on the plan was being used as a living room.
 4. The proposal is for the change of use of the premises into a House in Multiple Occupation (HMO). Notwithstanding that, the Appellant has advanced a case that planning permission is not required as the property would be occupied via the Head Lease Scheme through the University of Sussex and that educational establishments are exempt from HMO status.
 5. In relation to whether planning permission is required for a change of use, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the Appellant to apply to have the matter determined under sections 191 or 192 of
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- the Act. Any such application would be unaffected by my determination of this appeal.
6. Policy CP21 (part ii) of the Brighton and Hove City Plan Part One (2016) (CP) states that a proposed Class C4 (Houses in multiple occupation) use, 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.
 7. From the evidence before me, there are 15 properties within 50 metres of the appeal site of which 3 of them are already in HMO use, which equates to 20% of properties. Should the appeal proposal be allowed, this would increase to over 26% of properties in HMO use, which is well in excess of the CP figure.
 8. Notwithstanding this policy conflict, the site is located at the end of a cul-de-sac which has fields surrounding the properties. Given the undeveloped nature of the surrounding area, and that the property is located at the head of the cul-de-sac, the level of harm as a result of a concentration of HMOs is somewhat reduced. However, even when taking this into account, the development would still result in some harm to the overall character and amenity of the area through a concentration of HMO uses.
 9. In coming to that conclusion, I acknowledge that the property is currently occupied by a family of five and that should the appeal succeed the number of occupants would be reduced to four (students). However, that does not outweigh the policy conflict and harm I have identified.
 10. For the above reasons, the development would result in harm to the character and amenity of the area in conflict with Policy QD27 of the Brighton and Hove Local Plan (2005) (LP), and Policy CP12 part ii of the CP which amongst other matters seek to ensure that HMOs are not concentrated in any area and that healthy and inclusive communities are maintained across the city.

Living conditions

11. The Council have raised concerns over the size of bedrooms two and three and the communal living space of the property and have referred to the Technical Housing Standards - Nationally Described Space Standards (2015) (THS). The THS standards apply to new dwellings. However, in this case, the property is an existing dwellinghouse and the development proposed is a change of use to another type of dwelling (a HMO). Consequently, the THS, as a material planning consideration, is of little relevance.
12. Notwithstanding that, in this case, the two bedrooms which the Council consider to be of an inadequate size are existing bedrooms. At my site visit I saw a double bed in bedroom two, with sufficient circulation space around it. In respect of bedroom three, this is a single bedroom and is of a much smaller size than the other bedrooms. However, whilst space is limited I am satisfied that it would provide an adequate level of amenity for its future occupier in a HMO.
13. Turning to the proposed communal living area, the space available in the room marked as a dining room would allow for furniture such as a sofa and a small dining table. On this basis, I find that the space would be sufficient to ensure that, in combination with the kitchen area, there would be adequate communal living space for the future occupiers.

14. For the above reasons, the development would provide adequate living accommodation for the future occupants of the development and would accord with Policy QD27 of the LP and the aims and objectives of the National Planning Policy Framework which amongst other matters seek to ensure that an adequate standard of living accommodation is provided for the future occupiers of the development.

Other matters

15. The Appellant has raised concern over the timeliness of the determination of the planning application. However, whilst I have some sympathy over the extended timescale for the determination of the application such a delay is away from the planning merits of the case and I give this very little weight.

16. I have also had regard to the concerns raised in the representations from the Council's consultation period on the application, and through the appeal consultation period including matters such as parking issues. However, none of the matters raised add to the reason for dismissing this appeal.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 22nd June 2017

Appeal Ref: APP/Q1445/W/16/3166012 186-187 Lewes Road, Brighton BN2 3LD

- 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 John Blankson of 3B Property against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01736, dated 14 May 2015, was refused by notice dated 21 July 2016.
 - The development proposed, from the application form, is the demolition of existing ground floor commercial accommodation and 2 storey residential above. Erection of a new 4 storey mixed use development consisting of 2no. A1-A5 use on the ground floor with 8 flats over three storeys above.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of four storey building with 2no commercial units comprising retail, financial and professional services or take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works at 186-187 Lewes Road, Brighton BN2 3LD in accordance with the terms of the application, Ref BH2015/01736, dated 14 May 2015, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The Council have amended the description of development to the "Demolition of existing building and erection of four storey building with 2no commercial units comprising retail, financial and professional services or take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works". The Appellant has also used this description on the appeal form. As the revised description accurately reflects the development proposed I have determined the appeal on the basis of the revised description.

Main Issue

3. The main issue is whether the proposal makes appropriate provision for affordable housing.

Reasons

4. Policy CP20 of the Brighton and Hove City Plan Part One (2016) (CP) requires the provision of affordable housing on all site of 5 or more dwellings. For sites of between 5 and 9 (net) dwellings a target of 20% affordable housing should be provided as an equivalent financial contribution. The Council have indicated
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- that £164,500 would be an appropriate level of financial payment towards the provision of affordable housing elsewhere.
5. The policy also states that this target may be applied more flexibly where the Council consider this to be justified with consideration given to the accessibility of the site, the costs relating to the development (and in particular financial viability), whether affordable housing would prejudice the realisation of other planning objectives, and the need to achieve a successful housing development. However, from the evidence before me, there has been no compelling argument advanced to justify a reduced or waived contribution in the context of Policy CP20.
 6. However, following the Court of Appeal's judgement of 11 May 2016, wherein the Secretary of State successfully appealed against the judgment of the High Court of 31 July 2015, it follows that considerable weight should be given to the Secretary of State's Written Ministerial Statement (WMS) of 28 November 2014 and the updated Planning Practice Guidance which indicates that planning obligations of this type should not be sought from development of this limited scale.
 7. Notwithstanding that, the determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. The WMS is clearly a material planning consideration for which I attach great weight to as it represents the clearest and most up-to-date expression of national planning policy.
 8. Both main parties have referred me to appeal decisions which consider whether affordable housing contributions should be sought on developments on 10 units or less. The Council have detailed several decisions which support the Development Plan position of seeking affordable housing on such sized developments elsewhere in the country together with three recent decisions within Brighton and Hove¹. On the other hand, the Appellant has also provided details of appeal decisions within Brighton and Hove which give greater weight to the WMS and conclude that affordable housing is not required².
 9. The Council have referred me to the Objectively Assessed Needs for Housing : Brighton & Hove (2015). This has identified a significant need for additional affordable housing (of 810 units per annum) over the plan period to 2030. Reference is also made to the Council's housing register which indicates a significant need for affordable housing and that the housing prices in the City are higher than other parts of the country. I am also aware that there are significant housing land supply constraints that limit the outward expansion of the City and that there is a limited supply of developable sites within the existing urban area.
 10. Considering all of the above matters, there is substantial local evidence of the need for affordable housing. Whilst I have attached considerable weight to the WMS, this does not outweigh the need for affordable housing as required by the Policy CP20. Consequently, a financial contribution towards affordable housing is required.

¹ APP/Q1445/W/16/3142069, APP/Q1445/W/16/3147419 and APP/Q1445/W/16/3165865

² APP/Q1445/W/16/3158279 and APP/Q1445/W/16/3152366

11. In the event of the above conclusion, the Appellant has provided a completed Unilateral Undertaking which would deliver the required sum of money for the provision of affordable housing elsewhere.
12. Given the Development Plan policy, I conclude that the contribution is necessary to make the proposal acceptable, is directly related to the development and is fairly and reasonable related in scale and kind to the development. Consequently, it would satisfy the tests of Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 204 of the National Planning Policy Framework.
13. For the above reasons, the development would, by reason of the completed Unilateral Undertaking, would provide an appropriate mechanism to secure much needed affordable housing in accordance with Policy CP20 of the CP.

Other matters

14. The Unilateral Undertaking also makes provision for membership of a car club, a residential travel pack (including a one bus saver ticket valid for three months, a two year membership to a car club, and information on local public transport, cycling and walking), and a sustainable transport payment of £10,000 towards improvements to the footway, on street cycle parking, an amendment to a Traffic Regulation Order, and an extended loading bay.
15. Given that the development does not provide any off street parking provision, I consider that the measures outlined in the Undertaking are reasonably required to make the development acceptable in planning terms.
16. In addition to the above, I note that the Appellant has questioned the timeliness of the determination of the application, in that such delays allowed for the adoption of the current policy in relation to affordable housing. However, whilst I have some sympathy for the Appellant in this respect, I must determine the appeal on the basis of the current policy.
17. I have also had regard to the concerns raised in the representations from the Council's consultation period on the application, and through the appeal consultation period, including matters such as the amount of people living in the area, the effect of the development on the character and appearance of the area and loss of light. However, none of these issues present a compelling reason for withholding planning permission in this case.

Conditions

18. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in the light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
19. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials is necessary in the interests of the character and appearance of the area.
20. Conditions relating to water and energy efficiency measures, and potential contaminated land issues, are necessary for environmental reasons.

21. To protect the amenity of the future occupiers of the development, and existing residents in the locality, conditions relating to the hours of operation of the non-residential elements, deliveries and waste collections related to the non-residential uses, details of any odour control equipment (including sound insulation), cycle storage and refuse facilities, and noise mitigation to the residential element are all necessary.
22. With the exception of the contaminated land matters, it is not necessary for any of the suggested conditions to be agreed pre-commencement. It is necessary for this to be agreed prior to any works commencing as the contaminated land investigations relate to matters below ground level and should be resolved before any ground disturbance works occur.
23. The Council have also requested a condition requiring compliance with optional requirement M4(2) (accessible and adaptable dwellings) of the Building Regulations. However, the adopted policy referred to does not include M4(2) or set out the proportion of new dwellings which should comply with the requirement, as advised by the PPG. Furthermore, it is unclear whether step free access could be achieved to any of the flats. In this light, I do not consider such a condition necessary.
24. In respect of noise mitigation measures between the ground floor commercial units and the residential properties above, the Council have indicated that this should have an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations. Whilst this objective is desirable, such a requirement is not necessary to make the development acceptable in planning terms.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans – 11784/PA/001, 11784/PA/005, 11784/PA/006, 11784/PA/007, 11784/PA/008, 11784/PA/009 and 11784/PA/010.
3. No development above ground floor slab level 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) All brick, render and tiling (including details of the colour proposed)

- b) All cladding to be used, including details of their treatment to protect against weathering
- c) All hard surfacing materials
- d) The proposed window, door and balcony treatments
- e) All other materials to be used externally

The development shall be carried out in accordance with the approved details.

4. Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times for the life of the development.
5. Prior to the first occupation of the residential element of the development hereby permitted the refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times for the life of the development.
6. 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).
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard of using not more than 110 litres per person per day maximum indoor water consumption and the implemented measures shall remain operational for the lifetime of the development, unless agreed in writing by the local planning authority
8. Prior to the first occupation of the non-residential development, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good', or a detailed report as to why this has not been technically possible, shall be submitted to and approved in writing by the local planning authority.
9. Prior to the first occupation of each residential unit written evidence which demonstrates that the glazing, ventilation and façade specifications recommended in the Noise Assessment (2015) by Acoustic Associates Sussex Ltd, dated 13 May 2015, Project J1149 have been implemented within the buildings shall be submitted to and approved in writing by the local planning authority . The submitted evidence must show that internal noise levels achieve BS8233:2014 standards as outlined in the above report. The implemented measures shall be retained for the life of the development.
10. The non-residential uses in the development hereby approved shall not be open to customers except between the hours of 09:00 and 23:30 on

Sundays to Thursdays and between the hours of 09:00 to midnight on Fridays and Saturdays.

11. Deliveries and waste collections associated with the non-residential uses in the development hereby approved shall only be taken at or despatched from the site between 08.00 and 18.00 on Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
12. Prior to first occupation of each part of the non-residential development by a use that requires the fitting of odour control equipment, a detailed scheme of such equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to control the odour emitted from the use together with sound insulation of the equipment. The approved details shall be implemented in full prior to the commencement of the use and shall be retained as such thereafter.
13. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following parts (a) to (c) have been submitted to and approved in writing by the local planning authority (unless specifically dispensed with in writing by the local planning authority).

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice.

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013.

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

In the event of the need for remedial works, the approved scheme shall be carried out in full and in accordance with approved details (unless varied with the written agreement of the local planning authority).

Prior to the first occupation of any part of the development a written verification report, by a competent person approved under the provisions of part (c), which demonstrates that the remediation works have been implemented fully in accordance with the approved details shall be submitted to and approved in writing by the local planning authority. The verification report shall comprise of:

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

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

Appeal Decision

Site visit made on 10 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/Q1445/W/17/3168795
24 Old Steine, Brighton BN1 1EL

- 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 D Frizzell of Steeple Construction Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05355, dated 20 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is conversion of existing undercroft / basement to form a studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - (a) the living conditions of future occupiers of the studio flat with respect to light, outlook and usability, and
 - (b) the living conditions of the occupiers of the adjacent basement flat with respect to outlook and the amount of amenity space.

Reasons

3. The appeal relates to a mid-terrace property that fronts on to Old Steine and has a rear access on to Steine Street. At the time of my site inspection the property was covered in scaffolding and undergoing works to provide several flats following a grant of planning permission. The site lies within the Valley Gardens Conservation Area and is a Grade II Listed Building.

The proposed studio flat

4. The proposal is to provide a studio flat at the rear of the site at basement level. The flat would be located below two ground level parking spaces and would include two small vaulted areas that extend under the carriageway of Steine Street. The vaulted areas would provide a shower room and a kitchen. The main living area would have a new external wall with door and window openings on to a small courtyard facing bedroom and living room windows in a previously consented basement flat. A planted screen is proposed between these units. Access to the basement flat would be gained via a new staircase rising to a point behind surface level parking spaces fronting Steine Street.

5. There would be a head height of only approximately 1.8m within both the kitchen and shower rooms, and whilst the flat overall would be in compliance in terms of area with the Department of Communities and Local Government's Technical Housing standards nationally described space standard, the height restriction would seriously restrict the usability of these areas. The main living area for the flat would face a subterranean courtyard, its only source of natural lighting. Furthermore, the outlook from the studio flat would be towards the terrace rather than towards an open aspect, and the terrace would cast a shadow towards the courtyard in afternoon hours. Overall, I consider that the flat would benefit from relatively poor levels of natural lighting.
6. The nature of the planted screen between the proposed and consented basement flats is not clear from the plans. However, a low level screen would not maintain adequate privacy levels between the units as the separation is only some 6m. If the screen is to be of sufficient height to safeguard privacy, then outlook from both the proposed and consented flats would be significantly impaired, given the screen's proximity to habitable room windows at both units.
7. As such, the proposed studio flat would result in a poor standard of accommodation for future occupiers. In my opinion it would be in conflict with Policy QD27 of the Brighton and Hove Local Plan 2005 (Saved Policies), a policy that seeks to protect residents in relation to factors including privacy, natural lighting and outlook.

The adjacent basement flat

8. The subdivision of the basement courtyard would result in a screen very close to the rear windows of the consented basement flat. As consented, the occupiers of this flat would have benefitted from use of the whole of the courtyard, but the proposal would significantly reduce the amenity space available. Furthermore, the screen would also compromise outlook from the habitable room windows facing the courtyard. In these respects the proposal would be contrary to policy HO5 of the Brighton and Hove Local Plan 2005 (Saved Policies), which seeks to ensure the provision of adequate useable private amenity space, and to Policy QD27 in relation to the compromise on outlook.
9. The appellant points out that the unit would comply with Building Regulations in relation to the size of the glazed area. Furthermore, that prospective purchasers of either the proposed studio flat or the consented basement flat can determine the adequacy of the accommodation to suit personal needs. I also note that there have not been any third party objections to the proposals. However, to my mind, these factors do not outweigh the concerns about the effect of the proposed development on the living conditions of future occupiers of the studio flat with respect to light, outlook and usability, nor on the living conditions of the occupiers of the adjacent basement flat with respect to outlook and the amount of amenity space.

Other Matters

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates a statutory duty for decision takers in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. I am aware that the Local Planning Authority has granted consent for other works at the site and find nothing in the evidence before me that the special character would be harmed by the present proposals. I have no reason to disagree with the findings of the Local Planning Authority that the special character of the building would be preserved.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 21st June 2017

Appeal Ref: APP/Q1445/W/17/3168661

Brighton Dental Clinic, St. James Mansions, 16-18 Old Steine, Brighton BN1 1EN

- 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 Ilias Tzampazis of Brighton Dental Clinic Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH/2016/05421, dated 26 September 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the installation of air-conditioning condenser unit and retrospective consent for exiting A/C unit on eastern (rear) elevation.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Ilias Tzampazis of Brighton Dental Clinic Ltd against Brighton & Hove City Council. This application is the subject of a separate decision.

Procedural Matter

3. In refusing planning permission the Council considered that insufficient information had been submitted to demonstrate that the proposed air conditioning unit would not result in amenity harm to the occupiers of nearby residential properties in terms of noise disturbance.
4. However, following the submission of a noise report with the appeal documentation, the Council have subsequently withdrawn this reason for refusal. Given the location of the site, and the content of the report, I have no reason to disagree with that view.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is located within the Valley Gardens Conservation Area (VGCA) and adjacent to the East Cliff Conservation Area (ECCA). The VGCA is generally a linear Conservation Area which includes the Palace Pier, Royal Pavilion, Victoria Gardens to The Level and includes a variety of building styles.
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The ECCA includes a large part of the sea frontage and numerous streets generally to the east of the appeal site.

7. The appeal property is an attractive five storey building situated on the southeast corner of Old Steine and St James's Street. To the other side and rear of the building is Steine Street. All aspects of the building directly front onto highways. To the rear of the site is 130 St James's Street which is a Grade II Listed Building.
8. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of No 130 and the character or appearance of the VGCA.
9. From the evidence before me, the existing air conditioning units (for the Sandwich bar and the Dentists) do not benefit from express planning permission. Furthermore, it is unclear whether these would be immune from enforcement action through the passage of time. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the Appellant to apply to have the matter determined under Section 191 of the Act. Any such application would be unaffected by my determination of this appeal.
10. Regardless of the above, from my site visit I saw that the existing air conditioning units detract from the attractive appearance of the existing building and the Conservation Areas. However, I acknowledge that the siting of them on the rear elevation does minimise the harm to the building.
11. The addition of a further air-conditioning condenser unit would inevitably give rise to additional harm to the appearance of the building and the Conservation Areas. The proposed unit would be significantly larger than the existing unit and given its visibility along Steine Street it would appear as an unacceptable addition to the host building.
12. Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. In this case, the Appellant has indicated that the business requires the existing air conditioning unit to operate, and that the new unit is also a requirement to allow the occupation of the basement as part of the dental practice. I acknowledge that a health care facility could be a public benefit, as is bringing into use an otherwise vacant part of the building.
14. However, whilst other options appear to have been explored, from the evidence before me this relates to the siting of external air conditioning units as opposed to other methods of providing air conditioning or cooling which don't require the provision of such external equipment.
15. I have also had regard to the presence of other air conditioning units and vents in the area, including those on Steine Street which have been drawn to my attention. However, I am not aware of the planning circumstances of these. Moreover, each application must be determined on its individual merits.

16. Taking all of these factors into account, whilst the harm to the significance of the heritage assets would be less than substantial, the public benefits are not sufficient to outweigh the harm I have identified.
17. Turning to the effect on the setting of 130 St James's Street, the air conditioning units would be/are located on the façade opposite the side elevation of No 130 across Steine Street. From my site visit I also noted other air conditioning units on the other side of No 130. The appeal proposal would not, in my view, having an adverse impact on the setting of No 130 given their location on the building and on the opposite side of Steine Street. Consequently, no harm would result to the setting of this Listed Building or any other nearby Listed Building. The proposal would therefore accord with Policy HE3 of the Brighton and Hove Local Plan (2005) (LP). However, this does not outweigh the harm I have found.
18. For the above reasons, the development would result in harm to the appearance of the host building, the VGCA and (to a lesser extent) the ECCA. Therefore, the proposal would be contrary to Policies QD14 and HE6 of the LP and Policy CP15 of the Brighton and Hove City Plan Part One (2016) (CP) which amongst other matters seek to secure high quality design and to preserve the character or appearance of Conservation Areas. The proposal would also conflict with the design and conservation principles of the National Planning Policy Framework.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Costs Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 21st June 2017

Costs application in relation to Appeal Ref: APP/Q1445/W/17/3168661 Brighton Dental Clinic, St. James Mansions, 16-18 Old Steine, Brighton BN1 1EN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Brighton Dental Clinic Ltd for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for the installation of air-conditioning condenser unit and retrospective consent for exiting A/C unit on eastern (rear) elevation.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
 4. The Appellant submits that the Council has acted unreasonably in that they failed to consider the public benefits of the proposal as indicated at paragraph 134 of the National Planning Policy Framework (the Framework) and that the Council did not seek to find a solution to their concerns. In respect of the second reason for refusal, the planning consideration went against the recommendation of the Environmental Health team, and a subsequent email from the planning officer indicating that noise would not be an issue with the only justification for the recommendation coming from reference to an earlier application (which the Environmental Health team also had no objection to).
 5. It is noted that the Environmental Health section did not require an acoustic report noting that it is a really busy area with a lot of noise both during the day and night, and that no noise complaints had been received in relation to the existing units.
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6. The Council have not provided any compelling evidence as to why a noise assessment was necessary to enable them to make a judgement on the noise impacts of the development, particularly given the advice from the Environmental Health team that such a report was not required.
7. Given the reason for refusal, the Appellant was effectively forced into providing such a report. Consequently, the refusal of planning permission on this ground constituted unreasonable behaviour contrary to the guidance in the Framework and the PPG and the appellant has been faced with the unnecessary expense of providing evidence to demonstrate that no planning issue would arise in this respect.
8. Turning to the assessment of the public benefits of the proposal, whilst the Officers report failed to make such an assessment I am mindful of Paragraph: 049 Reference ID: 16-049-20140306 of the PPG which indicates that a local planning authority would be at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal *on appeal* (my emphasis).
9. In this case the Council have, belatedly, made such an assessment concluding that the public benefits do not outweigh the harm. In my decision I agreed with that view. As such, I do not consider that any unreasonable behaviour has been exhibited by the Council in relation to refusal reason 1.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in relation to the noise reason for refusal of the application and therefore a partial award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brighton & Hove City Council shall pay Brighton Dental Clinic Ltd, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the noise reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Brighton & Hove City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 8 June 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: 14th June 2017

Appeal Ref: APP/Q1445/W/17/3167023

63 Park Road, Brighton, BN1 9AA

- 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 Oliver Dorman against Brighton & Hove City Council.
 - The application Ref BH2016/05536, is dated 3 October 2016.
 - The development is described as '*change of use of an existing C4 house in multiple occupation to a Sui Generis large house in multiple occupation*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the Planning Inspectorate wrote on the 22 May 2017 informing both main parties as to the date and time of the site visit, no-one from the Council attended. Nor was the appointed Inspector notified or given any reason as to why no-one from the Council turned up. However, the appellant did attend and I was able to gain access into the building, with the site visit proceeding by means of the Access Required Site Visit procedure. I am therefore content that I was able to see all I needed to see in order to make an informed decision.
 3. The Council indicates, in their statement of case dated 21 April 2017, that they issued a decision notice on 19 January 2016. However, this post-dates the submission of the appeal made by the appellant on 12 January 2017 following circumstances that a decision should have been issued by the Council on 29 November 2016, unless agreed otherwise. I have proceeded on the basis that this 'decision notice', has in effect no legal standing as when it was issued the power to determine the proposal had passed from the LPA to the Planning Inspectorate with the appellant exercising their right of appeal.
 4. The Council indicates that had it been a position to determine the proposal it would have refused permission for the following reasons:
 - a) *The size of the bedrooms and the limited headroom of the first floor front bedrooms results in a cramped and oppressive standard of accommodation with little circulation space available in any of the bedrooms. The communal dining room provides insufficient relaxation space for the proposed number of occupants and therefore increases the amount of time occupants would spend in their individual bedrooms. The development therefore fails to provide an acceptable standard of accommodation for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.*
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b) *The proposed level of occupancy of the building would have a significant direct impact on the amenity of neighbouring properties, in particular 61 and 65 Park Road, due to the increased activity, noise, disturbance and additional comings and goings from the property, contrary to Policies QD27 and SU10 of the Brighton and Hove Local Plan.*

5. I have taken these putative reasons into account in framing the main issues as I see them in this case.
6. Lastly, I saw during my site inspection that the change of use for which permission is sought has already taken place. I also saw that the submitted drawings do not necessarily replicate all the facts on the ground. For example, the existing rear dormer actually spans across the whole of the rear roof slope rather than being inset from the adjoining property. Also, the ground floor plan is not set out entirely in accordance with the EX.01 or SG.01; for example the entrance into the kitchen is in a slightly different location. Notwithstanding this, planning permission is still required and I have considered the appeal scheme on the basis of its planning merits in relation to the change of use sought.

Main Issues

7. The main issue is the effect of the change of use on the living conditions on occupiers of the appeal and neighbouring buildings, with specific regard to the standard of internal living conditions and, noise and disturbance.

Reasons

8. The appeal building comprises a semi-detached chalet bungalow located within a residential area of Brighton. There are roof extensions and alterations to both the rear and front of the existing building. Internally, the ground floor comprises four bedrooms together with hallway, stairwell, w.c. and/or shower rooms and an open plan kitchen dining area. On the first floor, there are a further five bedrooms leading off a short hallway. I saw that each of the nine bedrooms contains a bed, built-in wardrobe and desk areas. Outside there is a driveway along the side of the property, together with a detached garage and decked rear amenity area to the rear.
9. Policy QD27 of the *Brighton and Hove Local Plan* (BHLP) requires that planning permission for any 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 or occupiers. I have also been directed to the fact that the eight of the nine bedrooms would measure less than 7.5m² of useable floor space sought by DCLG's *Technical housing standards - Nationally Described Space Standards* of March 2015 (NDSS) for a single bedroom. The measurements are given on the submitted drawings and therefore there is no reason for me not to take these at face value.
10. The Council have not directed me to a specific policy that seeks the imposition of the NDSS within the local context. I note that Policy CP19 of the *Brighton and Hove City Plan Part One* (BHCP) refers to fact that Part 2 of the plan will seek to apply these; but this is an aspiration rather than a policy at the current time. Nonetheless, the NDSS does provide a useful guide as to the minimum space standard sought by the government in order to ensure that the internal

space provided across all tenures is one that provides a good standard of amenity for all existing and future occupants of residential buildings.

11. The appellant points to 'local HMO standards' requiring a single bedroom to have a floor area of 6.5m² and their view that standards for a family home should not be compared to those for a shared house. However, the *Standards for Licensable Houses in Multiple Occupation* September 2012 (LHMO) upon which this figure derives not only predates the publication of the NDSS, but is a document for the licensing of HMOs. In other words not only is the NDSS a nationally prescribed and more recent standard, but it is one that is specifically applicable to planning applications. In this case, the proposal would fall below the level set by the NDSS and this fact is one that weighs against the appeal scheme.
12. On its own, however, this is not determinative. What compounds this issue here is the fact that the building, which would be occupied by at least 9 individuals, would only have a kitchen and dining room as communal space. The appellant points to the fact that the HMO licensing standard requires an area of 15m² when a kitchen has dining facilities in it and that the floor area of the kitchen and dining areas combined is 25m². However, the dining area here is separated from the kitchen by a split level and worktop, effectively creating a separate room, and in such case the sizes according to the tables on page 7 of the LHMO, areas for a 9 person HMO should be 10m² for a kitchen and 15m² for a dining room. In this case, the proposal would satisfy this element of the LHMO in terms of the combined floor area. But as considered above, this is a standard relating to HMO licenses and not planning policy.
13. What is more, this fact does not negate the fact that there is nowhere, except for the bedrooms, for the occupiers to socialise or relax except for the dining room and kitchen area. I saw that both areas provide no more than a fixed dining table for sitting down. Whilst able to accommodate all 9 occupants on high stools around it, this is unlikely to be attractive to occupiers as an area to socialise or study more generally. This is all the more worrying as one of the ground floor rooms (to the north east corner) leads directly onto the kitchen area. In practice, this means that the occupier of this room would be disturbed by other residents within the property using the only limited communal area when it is used.
14. In such circumstances, I find that the internal space that the change of use provides in this case would not only fail to meet the amount set out in the NDSS (albeit this is guidance), but would also fail to provide a suitable and realistically usable internal area for occupants of the HMO to socialise, study collectively or relax beyond their bedrooms. In doing so, I find that the internal space provided results in material harm to the living conditions of occupants of the house in multiple occupation. I also find that without clarity that the bedroom leading directly onto the kitchen would be adequately soundproofed, the proposal would fail to minimise the impact of noise on the potential future occupants of this room. The proposal would therefore fail to accord with Policy QD27 of the BHLPP the aims of which I have aforesaid, in respect of internal living conditions.
15. In terms of noise and disturbance within the surrounding environment, although the Council point to national reports and also Policy CP21 of the BHCP, I have not been provided with any detailed assessment of the possible

impact in relation to this scheme. For example, there is no detailed information on the number of Police or Environmental Health cases concerning noise or disturbance from the appeal building or nearby.

16. On the other hand, I note the comments made by interested parties relating to this matter. I also note that, broadly speaking, an over-concentration of particular uses in one area of another can exacerbate issues sometimes associated with HMO uses; particularly within towns and cities with universities. This is reflected locally by the 10% limit figure set out in Policy CP21 of the BHCP. However, in this case, the overall percentage within a 50 metre radius in this case according to the Council's statement of case is 6.25%.
17. In the absence of site specific evidence that there is an unacceptable impact upon residential amenity or that it has not been minimised in relation to increased noise and disturbance, I can only come to the conclusion that the proposal would not result in material harm to neighbouring occupiers. In this respect, the proposal would broadly accord with Policy CP21 of the BHCP and Policy SU10 of the BHLP insofar as they apply to noise and disturbance matters.
18. I also note the extracts of two appeal decisions made in the appellant's Planning Statement dated October 2016, ref 31408(sic) and 3150798 respectively. I do not have the full details of these appeals before me, nor are the full decision letters provided, merely two paragraphs from each. From what I can deduce from these extracts is that the point the relative Inspectors were dealing with is whether an increase in the number of occupiers was significant or not in respect of mixed and balanced communities. This is not a specific issue in this case and therefore these decisions do not alter my assessment of the main issue above.
19. I note that the appeal site lies within an area subject to an Article 4 Direction. Put simply, this requires that to change from a C3 use to a C4 use, planning permission is required. However, this is not the case here where permission is sought to change from a Use Class C4 House in Multiple Occupation (HMO) to a Sui Generis HMO. Nonetheless, permission is still required for a change of use from a C4 to a Sui Generis HMO.

Overall Conclusion

20. Whilst I have found in favour of the appellant on the second part of the main issue, I have found that there is an unacceptable standard of internal living conditions and this would result in conflict with Policy QD27 of the adopted BHLP. I do not find that the unacceptable internal living conditions would be outweighed by the lack of identified harm arising in respect of noise and disturbance. Logically, I can only therefore come to a conclusion that the proposal would result in material harm that would not be outweighed or overcome by any other mitigating factor. Accordingly, the appeal must fail.
21. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 22nd June 2017

Appeal Ref: APP/Q1445/W/17/3166663

First Floor Flat, 82 Stanmer Park Road, Brighton BN1 7JH

- 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 Lee Catt against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05726, dated 15 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located in a primarily residential area which consists of a mixture of semi-detached and terraced properties. The design and appearance of properties exhibit a traditional feel but with a variety of different styles. Within the area there are significant land level differences and the appeal property itself appears as a two storey property from the frontage, but is three storey's at the rear owing to the sloping ground.
4. My attention has also been drawn to a recent appeal decision¹ for a similar development at the appeal property. Whilst I acknowledge that the current proposal is for a smaller dormer window, I give this decision significant weight.
5. The proposed development is for a loft conversion which includes a flat roofed box dormer window on the rear elevation of the host property. The dormer would be set in from both sides of the property with a greater distance to the Stanmer Street side.
6. The Council's Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' 2013 (SPD) sets out that dormer windows should be kept as small as possible and be clearly be a subordinate addition to the roof. The SPD is also clear that full width box dormers will not be permitted as they give the appearance of an extra storey on top of the building.

¹ APP/Q1445/W/16/3152806

7. Despite the reduction in size from the previous proposal, the box dormer would substantially obscure the existing rear roof slope and would be an overly dominant feature on the host property and in the streetscene, particularly given the views available from Stanmer Street. In addition to the above, the size of the windows in the dormer are significantly larger than the windows in the existing property. Given the above, the dormer would result in significant harm to the character and appearance of the area.
8. I have also had regard to the presence of other similar dormer windows in the vicinity of the property, including two other dormers in the same terrace of properties as No 82, and ones on the terraces on Stanmer Villas. With the exception of the dormer at 75 Stanmer Villas, none of these are as exposed as the current appeal proposal.
9. The SPD does allow for new dormers to be built where a terrace or group was originally designed without dormers, but over the years a majority of the buildings now have them. The new dormers may be acceptable provided their scale, design and positioning is sympathetic to the continuity of the terrace/group.
10. In considering the overall character of the area, I find that the vast majority of properties do not have box dormer windows and as such the overriding character is of properties which retain their original roof profile. Consequently, there is not a majority of properties which have such dormer windows in the area and therefore I consider that this exemption to the normal design standard does not apply.
11. The proposed development also includes two rooflights in the front roof slope. However, I consider that these do not represent an unacceptable element to the proposed development. However, that does not outweigh the harm I have found.
12. For the above reasons, the development would result in significant harm to the character and appearance of the area in conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 and the Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' which amongst other matters seek to ensure that roof alterations are well designed, sited and detailed in relation to its host property, adjoining properties and the surrounding area.

Other matters

13. I acknowledge that the Appellant wishes to develop his property in a similar manner to other properties in the area and that it feels unfair that other properties could utilise Permitted Development rights to undertake a similar development if their respective properties are a single dwellinghouse.
14. However, each planning application must be considered on its individual merits and the possible use of Permitted Development rights on other properties (or by converting the host property back to a single dwelling house to undertake the works) does not outweigh the harm that the proposed development would have to the character and appearance of the building and the surrounding area or the conflict with the Development Plan.

Conclusion

15. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 22 May 2017

by **Kenneth Stone BSc Hons DipTP MRTPI**

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

Decision date: 9 June 2017

Appeal Ref: APP/Q1445/W/17/3168651

Office adjoining 91 Stanford Avenue, Brighton BN1 6FA

- 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 Dr Frank O'Connor against Brighton & Hove City Council.
 - The application Ref BH2016/05209, is dated 5 September 2016.
 - The development proposed is described as 'alteration and conversion of the existing detached garage building to form a new dwelling with off road parking space'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal follows the Council's failure to determine the application within the prescribed period, and there are therefore no formal reasons for refusal. The Council have however provided an officer report which includes reasons for refusal related to the proposed living conditions for future residents and design matters affecting the character and appearance of the surrounding area, including the Preston Park Conservation Area (PPCA). Whilst this Officer report has been provided after the appeal has been submitted I have taken these as putative reasons for refusal and used them to formulate my main issues in the determination of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including the PPCA; and
 - Whether the proposed development would provide acceptable living conditions for future occupants with regard to outlook and the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site is located at the junction of Stanford Avenue and Edburton Avenue and is located within the PPCA. The appeal relates to a detached single storey building fronting onto Edburton Avenue. It is located to the side/rear of
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- the adjoining property that fronts onto Stanford Avenue, 91. According to the Council it was most likely originally a coach house associated with that property. It has subsequently been separated in ownership terms from 91 but still retains a strong visual relationship and association.
5. 91 Stanford Avenue is located in a section of the road characterised by large semi-detached red brick Victorian villas with front gardens varied boundary treatment and a strong tree lined aspect. The road is a wide, main arterial route through the area but given the tree cover and imposing properties retains a residential character and feel.
 6. Running off Stanford Avenue are a series of smaller more intimate residential streets of later age. The properties in Edburton Avenue are predominantly late Victorian/Edwardian terraced houses mostly in painted render. The conservation area derives its significance from the age, architectural quality and layout of the estates in the area. It has a generally residential character and off the main routes a quiet and tranquil environment.
 7. The building the subject of the appeal is a modest coach house more recently used for private garaging. It appears to be in a separate ownership to the adjoining properties but the Design and Access statement refers to its current use as residential. Directly to the north 67a Edburton Avenue is a relatively modern infill development which due to its height design and form sits uncomfortably in the existing street scene. The existing building the subject of the appeal sits back from the main building line and given its unassuming form and coherent materials is not a particularly assertive element in the street. The proposed alterations and elevational changes to the front of the building would to my mind significantly change the appearance of this building in the street scene.
 8. Whilst the front would be provided with bi-fold wooden doors these would be open for the majority of the time and particularly during the time when the occupants were at home. The exposed casement doors and windows would present a modern, predominantly glazed, elevation to the exposed frontage which would be highly visible in the street. This would result in the building appearing, not as an ancillary building associated with the adjoining property but, as an independent and separate entity in the street. This disassociation with the adjoining properties would jar and make the property appear as an uncomfortable and unrelated structure in the street and make it a significantly more assertive building.
 9. The addition of the roof lights to the southern elevation roof slope in terms of their number, size and location would be readily visible from Stanford Avenue and in the surrounding area. The introduction of these windows would further emphasise the occupation of the building for living accommodation rather than as an ancillary structure associated with an adjacent building. The roof lights would themselves be large, some located high on the roof slope, and they would be readily visible thereby they would detract from the simple appearance and form of the building.
 10. The proposals also include a minor side addition, on the southern elevation of the property. This would be set back from the front elevation of the building, by some 2m, and set at the lower level of the building. Either side of the front of the building are domestic fences and gates which align with the front elevation and restrict views towards the rear. Only a very small element of the

proposed extension would be visible in the street and with the continuation of the roof slope the visual impact of the extension would be limited.

11. Overall I conclude that the proposed alterations to the front of the building associated with the roof lights would materially change the character and appearance of the existing building. The building would appear as an independent and separate residential unit. Given the form, scale and nature of surrounding properties, which are important in the significance of the conservation area, this would, in my view, appear as an uncomfortable and uncharacteristic feature in the conservation resulting in material harm to the appearance of the street scene and the character of the area. On this basis the proposal would not preserve the character and appearance of the conservation area. The proposal would therefore conflict with policy CP15 of the City Plan part one or policy QD14 of the Brighton and Hove Local Plan (saved policies) which seek to protect heritage assets and seek high quality development and extensions which are compatible with the character and appearance of the host property.

Living conditions of future residents

12. The proposed alterations and works are aimed at converting the property into a one bedroom unit of accommodation. The building has a split level with a step in the internal floor level and a mezzanine storage space already within the building. It is proposed to excavate part of the internal floor to accommodate a combined living and dining space at the lower level. This would be accessed down a short flight of stairs immediately inside the front lobby. The sleeping and bathroom accommodation would be accessed off a separate flight of stairs at the same location to the upper floor. The Council have not objected to the internal space of the proposed accommodation, and although limited, I see no reason to disagree with those conclusions as it would meet the technical size standards.
13. The principal living space would however only have two small windows providing outlook and light to the living area and kitchen area. The main glazed front entrance is at a higher level and beyond the stairs and entrance lobby. This would result in an internal space with poor outlook and a very claustrophobic feel. I note the light provided by light wells to the roof lights above which may increase light to the accommodation but this does nothing for the outlook from this space.
14. Similarly the bedroom space has limited outlook. It is elevated above the entrance glazed doors and again beyond the lobby and stairs. The only outlook for occupants of the bedroom would be from a single roof light, which in this context is limited in size and elevated relatively high in the room, giving limited direct outlook.
15. It is suggested that this is similar to other examples and I am directed towards a case in Eaton Place in Brighton. There are, however, significant differences with that case not least that the outlook being discussed there related to large sash windows in a bay feature of a listed building. There was substantially greater glazed area and greater benefits associated with the scheme against which to balance that limited outlook.
16. The Council are also concerned that the site is of restricted size and therefore makes no provision for outdoor amenity space. I note the appellant has

suggested that the front parking area could be given over to amenity space as a parking space would not be required, if it was considered necessary. I also accept that policy H05 does not specify an amount of useable private amenity space and only requires it where appropriate.

17. Whilst a number of the surrounding properties do not have private individual amenity space they do have access to outdoor space that has a degree of seclusion from the street. The proposed unit is small in size has poor outlook and has limited internal space such that could be positively balanced as were they significantly larger spaces. There is no balcony or any French doors to allow the external environment to penetrate the house and in this regard it is a very confined and restricted space. An outdoor amenity space would in these circumstances appear appropriate and therefore consistent with policy H05. The conversion of the front space to an outdoor amenity space would be limited in its size and provide no 'privacy' from the street and would not provide a useable and pleasant environment. The lack of a useable amenity space in these circumstances does result, in my view, in poor living conditions.
18. The appellant again draws my attention to Eaton Place and the balance that was struck there between the living conditions created by the internal space and the development and that associated with the locational quality of the site. That case related to a listed building in a town centre location close to the centre of Brighton and the sea front. There were significant locational advantages associated with the town centre location which supported that proposal. Whilst I accept that this site is reasonably close to open spaces and a small retail centre it is predominantly a residential area and does not have the locational advantages of Eaton Place. The locational aspects of this site are not such as to outweigh the poor living conditions of the development.
19. On the basis of the above I conclude that the proposed development would not provide for acceptable living conditions with regard to outlook and private amenity space. Consequently the proposal would conflict with policies QD14 and H05 of the Brighton and Hove Local Plan (Saved Policies) which collectively seek to ensure that development makes adequate provision for future residents in terms of living conditions and outdoor amenity space. This is also consistent with the core planning principles at paragraph 17 of the National Planning Policy Framework, in particular bullet point 4, which requires that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

20. The harm I have concluded that would result to the conservation area, a heritage asset, would be less than significant in the context of paragraph 134 of the Framework. However harm to a designated heritage asset must still be given great weight and importance. There would be a minor positive benefit by the provision of an additional unit of accommodation, however, this is only one unit the benefit is limited, and some minor economic benefits associated with the implementation of the development. However, I am satisfied that the harm to the heritage asset is not outweighed by the public benefits of the scheme.
21. The appellant has contended that as the building is physically dislocated from the property where the owner resides, 87 Stanford Avenue, this reduces the ability for maintenance and upkeep. It is contended that the building provides for a garage and out building for this property and this is a poor functional

relationship. The appeal building was not originally associated with 87 it is a separate entity and whilst currently there may be an ownership association there is not a clear physical or functional relationship between the buildings. The ability to improve activity, security and maintenance are not of significant weight in these circumstances. They are a consequence of the dislocation from the building's original host building and do not weigh heavily in my consideration of this appeal.

Conclusions

22. On the basis of the above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area including the Preston Park Conservation Area and would not provide acceptable living conditions for future residents. In this regard the proposal would not meet the environmental or social roles of sustainable development as set out in the Framework. The proposal would conflict with the development plan, as set out above, and there are no material considerations that indicate I should take a decision otherwise than the development plan.
23. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

Appeal Decision

Site visit made on 9 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/Q1445/W/17/3166625

1 Surrenden Crescent, Brighton BN1 6WE

- 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 Greenplan Designer Homes (Burgess Hill) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01808, dated 13 May 2016, was refused by notice dated 12 December 2016.
 - The development proposed is demolition of an existing dwelling (6 bed) and erection of three dwellings (one x 3 bed & two x 5 bed) with associated landscaping, parking, access, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area with particular reference to the loss of a protected alder tree.

Reasons

3. Surrenden Crescent comprises mainly detached houses set within large plots. Soft landscaping within the gardens and mature street trees set within the wide grass verges on both sides of the road contribute to a spacious verdant character. There is also an area of woodland fronting the road adjacent to the appeal site.
4. There is variety in the size and design of the dwellings and curtilages in the area. The appeal site is of unusually large size with a long frontage to Surrenden Crescent. The proposal to replace the present single dwelling and garage block with three detached houses would result in buildings being closer to four trees at the site which are protected by tree preservation orders. An ash tree towards the rear of the site and an alder tree close to the western boundary would be removed. A western red cedar, also close to the western boundary but to the rear of the alder tree, and a tulip tree on the site frontage are proposed to be retained.
5. The alder tree has a high straight trunk and an even canopy spread. It is located sufficiently apart from the western red cedar and other trees that the view of its profile appears free from obstruction by other trees from many

viewpoints. There are street trees that obstruct views of the alder from some parts of Surrenden Crescent, particularly to the south-west, but directly in front of the appeal site, the street trees are more widely spaced and one is relatively small. As a result, the alder tree appears as a distinct and prominent feature against the skyline when viewed from positions opposite the site even with the lower tulip tree in the foreground. The alder is also a conspicuous feature when viewed from the gardens and houses in Peacock Lane to the north-west of the site, which are on lower ground, and from the footway in front of properties to the east in Surrenden Crescent. The appellant has asserted that the alder tree's visibility and contribution to the character of the area is compromised by the presence of other trees when viewed from more distant positions, but from the closer locations I have identified, the tree is a conspicuous feature.

6. I note that the alder tree was not included in the Tree Preservation Order made in 1984, but only in a more recent Order. There is dispute between the main parties on the merits of the tree in relation to the scoring of a formal assessment using the Tree Evaluation Method for Preservation Orders (TEMPO). The tree appears to be in good health and is widely visible. In my opinion the alder tree makes a significant contribution to the verdant character of the area that I have identified and is worthy of its status as a protected tree.
7. Policy QD16 of the Brighton and Hove Local Plan (retained policies March 2016) states that development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree. Supplementary Planning Document 06, Trees & Development Sites (adopted 23 March 2006), provides guidance on best practice for the protection and retention of trees on development sites. The location of the alder tree does compromise the proposed layout of houses on the site.
8. The provision of additional housing units is an important benefit arising from the proposals. The three houses proposed are of a size and design that are in keeping with the character of detached houses in the road and the proposals would make a contribution to meeting the Council's housing need. However, to my mind, this benefit is outweighed by harm to the character of the area arising from the loss of the alder tree. Although the tree is positioned at a mid-point in the site's depth, along the optimal axis for building new houses, the precise location close to the site's western boundary does not preclude the residential redevelopment of the site. Having regard to the overall size and shape of the site, there would be practicable ways to retain the tree and develop the site. As such, I find that the proposals are in conflict with Policy QD16 of the development plan.
9. The appellant points out that the layout of the houses has been designed so that there would be no significant effect on the living conditions for the occupiers of dwellings close to the site, and the Council has not raised an objection on this issue. The appellant has also offered to provide a replacement for the alder, and for the ash tree that would also be lost, as part of a comprehensive landscape plan for the site. However, in my opinion, these factors do not compensate for the harm to the character of the area arising from the loss of the alder tree.

Conclusion

10. The development involving the loss of the protected alder tree would have a significant adverse effect on the character and appearance of the area and would be contrary to development plan policy. As such, the appeal should be dismissed.

Rory MacLeod

INSPECTOR

Appeal Decision

Site visit made on 14 March 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/Q1445/W/16/3165303

23 Cambridge Grove, Hove, BN3 3ED

- 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 Mrs Paula Barnes against the decision of Brighton and Hove City Council.
 - The application Ref BH2016/02370, dated 24 June 2016, was refused by notice dated 11 November 2016.
 - The development proposed is alterations and part change of use of existing mixed-use building from 3no ground floor garage / workshops (B1) and maisonette (C3) above to create a separate dwellinghouse (C3) and 2no retained ground floor (B1 garage / workshops and maisonette above.
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Decision

1. I allow the appeal and grant planning permission for conversion of 1no. existing garage into 1no. three bedroom house at ground, first and second floor levels with alterations to existing maisonette at 23 Cambridge Grove, Hove, BN3 3ED in accordance with the terms of the application Ref BH2016/02370 dated 24 June 2016 and the plans 6019/PL/020, 6019/PL/021, 6019/PL/022 and 6019/PL/030.

Preliminary Matters

2. Following my site visit the Council submitted information which indicated that the appeal site included a structure which is considered to be curtilage listed as part of 23 Cromwell Road, a grade II listed building located to the rear of the appeal property. In response to this information I sought the views of the main parties and address this matter below.
3. In my formal decision I have modified the description of development which the Council used in its decision, reflecting the comments of the appellant, to more accurately describe the proposal. As I saw during my visit, works to implement the scheme were underway and therefore the reference to the proposal being part retrospective is superfluous and I have left it out of my formal decision.

Main Issue

4. The main issue is the effect of the proposed development on the provision of employment floorspace within Cambridge Grove.
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Reasons

5. The appeal site is a mid-terrace two-storey property with roof space accommodation on the southern side of Cambridge Grove. Prior to works commencing the property comprised three garages plus a rear storage unit with a separate self-contained flat above. The proposal involves converting one of the garages to create a house over three floors together with alterations to the existing maisonette. The two remaining garages would be retained for employment use although one garage would be slightly reduced in size.
6. Cambridge Grove is a mews development which comprises ground floor units which have either been retained as workshops or converted to residential use with residential development on the upper floors.
7. Policy EM11 of the Brighton and Hove Local Plan, 2005 (the Local Plan) relates to development in mews. It states that planning permission will not be granted for changes of use of redundant business and industrial premises to residential uses unless employment is retained at ground floor level.
8. Policy CP3 of the Brighton and Hove City Plan Part One, 2016 (the City Plan) sets out the Council's approach to employment land including unallocated premises in employment use or whose last use was employment use. The loss of such premises will only be permitted where the site can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. In the supporting text it establishes the criteria by which such applications should be considered. These include the length of time the site has been vacant and documented evidence of the marketing strategy adopted, particularly whether it has been marketed at a price which reflects local market prices and attempts to make the building attractive to different business or employment uses.
9. The appellant has stated that the ground floor garage / workshop units have been used in recent years as storage associated with the residence above rather than for business uses. Based on the evidence before me it does not appear that the premises have been used for employment purposes for a considerable period of time. Nevertheless, I consider that employment was the last use and therefore Policy C3 applies. Furthermore, it has not been demonstrated that the garage to be converted is redundant although the appellant is not arguing that this is so. Nevertheless, as one of the garages is no longer to be used for employment purposes I find that there would be some conflict with Policies EM11 and CP3.
10. The majority of the ground floor premises (approximately 65%) are proposed to be used for employment purposes and would therefore comply with the Policy EM11 requirement for employment space to be retained at ground floor level. Furthermore, bringing two of the garages back into active employment use would provide employment opportunities and alterations to the premises would potentially provide improved space to make them more attractive to future occupiers in line with the aims of Policy CP3. As Policy CP3 places the highest priority on alternative employment generating uses or housing where employment use is lost, the introduction of a residential use is an appropriate replacement for the loss of employment.
11. Whilst marketing has been undertaken with regard to the two garages to be retained it has not covered the garage which is proposed to be converted and

no indication is given about the results from that marketing exercise. Nevertheless, even with the reduction in area of one of the remaining garages I have no reason to conclude that they would not be viable or that they would not be attractive to potential occupiers as they would be comparable in size with other employment premises in Cambridge Grove.

12. The benefits of the proposal would be the re-introduction of employment in two of the garages and the introduction of a three bedroom house in an accessible location. These benefits need to be weighed against the loss of one of the garages which is not currently and has not for a considerable time been in active employment use. Accordingly, I find that the minor conflict with Policies EM11 of the Local Plan and CP3 of the City Plan would be outweighed by the benefits of the scheme.

Other Matters

13. The appeal site is within the Willett Estate Conservation Area which derives its character from the late Victorian detached and semi-detached houses generally set on wide tree-lined streets with consistent building lines. The conservation area includes a number of mews developments including Cambridge Grove which have a different form and character from the wider conservation area based on smaller scale terraces comprising residential and commercial uses.
14. The only external alteration as part of the scheme is to replace an existing window at first floor level in materials to match other windows. Moreover, the re-introduction of an employment use into a mixed use area would also contribute to the character of the locality. I therefore find that the proposed development would enhance the character and appearance of the conservation area. In reaching this conclusion I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
15. Numbers 2-36 Cromwell Road, to the rear of the appeal site are grade II listed with the listing description noting that the late Victorian houses are a fine group of William Willett buildings which contribute to the street scene of Cromwell Road. The rear store and conservatory of 23 Cambridge Grove was originally an outbuilding serving 23 Cromwell Road. On this basis the appeal property can be considered to be curtilage listed. The Council has not identified any harm to this heritage asset arising from the appeal scheme and I find that the proposal would not result in harm to its significance. Consequently the proposal would preserve the special character of the heritage asset and there would be no conflict with development plan policies or the advice in the Framework. In coming to this conclusion I have also taken account of the statutory test to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses to which I attach considerable weight and importance.
16. The main parties made reference to other premises in Cambridge Grove where changes of use had taken place. However, I am not aware of the full extent of these cases or the circumstances in which planning permission was granted. In any event I have determined the appeal on its own planning merits.
17. A number of residents within Cromwell Road raised concerns about the impact of the proposed development upon their living conditions. As there would be

no change to the rear elevation and having regard to the distance between the properties I do not consider that there would be any material harm to neighbours' living conditions. Access to the rear of the property for construction and maintenance is a private matter rather than a planning consideration. With regard to the effect on parking I consider that the traffic generation associated with the proposal would not cause material harm to traffic and parking locally and note that the highways authority has not objected to the proposal.

18. The Council suggested two planning conditions. In respect of the first condition relating to cycle parking, given the lack of a suitable location for providing cycle storage externally, and recognising the potential for cycle parking internally I do not consider the condition to be necessary. With regard to the proposed contaminated land condition, having regard to the initial comments of the Council's Environmental Health Officer and the scale of development I do not consider that the condition is necessary or reasonable.

Conclusion

19. For the reasons set out above, and having taken into account all other matters raised, on balance, the appeal is allowed.

Kevin Gleeson

INSPECTOR

Appeal Decision

Site visit made on 9 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/Q1445/W/17/3168994

Derek House, 45 New Church Road, Hove BN3 4BF

- 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 Derek House Hove Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02242, dated 16 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is replacement of existing balcony balustrading to elevations with metal balustrade and obscure plain glass screens.
-

Decision

1. The appeal is allowed and planning permission granted for the replacement of existing balcony balustrading to elevations with metal balustrade and obscure plain glass screens at Derek House, 45 New Church Road, Hove BN3 4BF in accordance with the terms of the application, Ref. BH2016/02242 dated 16 June 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans AC/DH/03, AC/DH/04 and AC/DH/05.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the existing building.

Reasons

3. Derek House is a seven storey building of flats of red brick construction with white uPVC windows. It has white banding across the brickwork to all elevations. Cladding strips beneath windows on the front elevation extend across recessed walls to form enclosed balconies. These features provide distinct horizontal elements in the appearance of the building.
4. There are 21 balconies (3 to each floor) across the frontage of the building. It is proposed to replace all with a single style balcony featuring obscure glass screens and metal balustrading. Three glazed panels would be erected across the front of each balcony with a single panel across the flank return. The removal of the cladding would expose the outer face of each balcony slab;

these surfaces would be treated as rendered band courses, in effect continuing the white banding across the building.

5. Notwithstanding the loss of cladding from each balcony, cladding would still remain as a design feature below each window adjacent to the balconies. The appearance of these windows on the front elevation would now resemble the treatment to existing principal windows on the rear elevation, where there is horizontal cladding beneath each window but no balcony alongside. The new balconies would present vertical lines on the front elevation similar in proportion to the vertical lines formed from the adjacent windows, each with an area of cladding beneath.
6. The alterations would result in some loss of an original architectural feature, but to my mind, this would not significantly harm the identity or appearance of the building. The horizontal cladding would still be retained below principal windows and a coherent appearance to the building as a whole would remain. The new glazed panels to the balconies would be of similar proportions to cladding to be removed. They would present a new feature to the building, but their simple design would not detract from its appearance.
7. The site is not within a conservation area, but the Sackville Gardens Conservation Area includes the properties on the opposite side of New Church Road and dwellings in roads to the south. The planning application was advertised as affecting the setting of a conservation area, but the single refusal reason does not refer to the effect of the development on the wider area. Derek House is one of several seven storey buildings of flats on the northern side of New Church Road which collectively present a very different character to that of the houses within the conservation area opposite.
8. Edward House, the adjacent building of flats to the east, has glazed balconies across its frontage similar in appearance to those proposed at Derek House. The proposal would also be of similar appearance to the glazed balcony treatment to other buildings of flats nearby, thereby helping to integrate the development within the character of the surrounding area.
9. Policy CP12 of the Brighton & Hove City Plan Part One (adopted March 2016) is a general policy that requires all development to have excellent design and to establish a strong sense of place by respecting the diverse character areas covered by the Plan. Policy QD14 of the Brighton & Hove Local Plan 2005 (retained policies March 2016) is a more detailed policy requiring extensions and alterations to buildings to be well designed and detailed in relation to the parent building. I consider that the proposed alterations would be of good design and that they would respect the character and appearance of Derek House. They would respond positively to the horizontal and vertical rhythms of the building and its overall design coherence. As such I find no conflict with these development plan policies.

Conditions

10. In addition to the statutory condition limiting the duration of the permission, I consider that a condition specifying the approved plan numbers is necessary as this provides certainty regarding the nature of the changes to be undertaken.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR



Appeal Decision

Site visit made on 15 May 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 22nd June 2017

Appeal Ref: APP/Q1445/W/17/3166588

113-115 Trafalgar Road, Portslade, BN41 1GU

- 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 outline planning permission.
 - The appeal is made by Mr H Cooper against Brighton & Hove City Council.
 - The application Ref BH2016/01784, is dated 15 June 2016.
 - The development proposed is the demolition of existing bungalows and the erection of 8no. 1 bed flats and 4no. studio flats.
-

Decision

1. The appeal is dismissed and planning permission for the demolition of existing bungalows and the erection of 8no. 1 bed flats and 4no. studio flats is refused.

Procedural Matter

2. The appeal application has been submitted in outline with the application form indicating that there are none of the reserved matters being sought for approval at the outline stage. I have therefore dealt with the appeal on this basis.
3. Notwithstanding that, a drawing was submitted with the application which included details of how the proposed development might be formed. However, given that all matters are reserved for subsequent approval I have given that drawing little weight.

Main Issues

4. The main issues are
 - (i) whether the proposal makes adequate provision for mitigating any adverse impact upon local services and infrastructure; and
 - (ii) the effect of the development on the character of the area.

Reasons

Services and Infrastructure

5. The Council have indicated that the development should make financial contributions to various services and infrastructure including affordable housing (which may alternatively be provided on site), open space and indoor sport (£16,498), sustainable transport measures (£3,000), and the Council's local employment scheme (£2,200). Whilst it is noted that the Appellant does not

- object to any of the developer contributions no legal agreement to secure them has been completed.
6. In respect of affordable housing, Policy CP20 of the Brighton and Hove City Plan Part One (2016) (CP) requires the provision of affordable housing on all site of 5 or more dwellings. For sites of between 10 and 14 (net) dwellings a target of 30% affordable housing can be provided as an equivalent financial contribution. The Council have indicated that £262,500 would be an appropriate level of financial payment towards the provision of affordable housing elsewhere.
 7. The policy also states that this target may be applied more flexibly where the Council consider this to be justified with consideration given to the accessibility of the site, the costs relating to the development (and in particular financial viability), whether affordable housing would prejudice the realisation of other planning objectives, and the need to achieve a successful housing development. However, from the evidence before me, there has been no compelling argument advanced to justify a reduced or waived contribution in the context of Policy CP20.
 8. The Council have also referred me to the Objectively Assessed Needs for Housing : Brighton & Hove (2015) (OAN) which has identified a significant need for additional affordable housing of 810 units per annum over the plan period to 2030. Reference is also made to the Council's housing register which indicates a significant need for affordable housing.
 9. Given the Development Plan policy, the provision of affordable housing (either by a financial contribution or on site provision) is necessary to make the development acceptable, is directly related to the development and is fairly and reasonable related in scale and kind to the proposal. Consequently, it would satisfy the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and paragraph 204 of the National Planning Policy Framework.
 10. For the above reasons, the development would not, in the absence of a completed section 106 obligation, provide an appropriate mechanism to secure much needed affordable housing contrary to Policy CP20 of the CP.
 11. Turning to the other matters, very limited evidence has been provided to me that justifies the suggested contributions with reliance being made on the Developer Contributions Technical Guidance approved in June 2016. For example, in respect of the contribution for open space and indoor sport provision, no details of what provision would be required or where such monies would be spent.
 12. Furthermore, Regulation 123(3) of the CIL Regulations prevents an obligation from being a reason for granting planning permission if an obligation provides for the provision of an infrastructure project (or a type of infrastructure) where five or more separate obligations have been entered into. No information has been provided to me in this respect. Consequently I cannot be certain that this restriction would not apply.
 13. Therefore, notwithstanding the aims of the development plan policy, it has not been demonstrated that any of the contributions sought directly relate to the development or are necessary to make the development acceptable in planning

terms. Therefore I am unable to conclude that the contributions sought would fully comply with the CIL Regulations. In these circumstances, the absence of a planning obligation for these elements does not weigh against the development.

Character of the area

14. The appeal site is located in a mixed use area with a variety of differing property designs and styles in the vicinity of the site. The appeal development proposes a total of 12 flats of which eight would have one bedroom and the remaining four would be studio flats.
15. Policy CP19 of the CP aims to improve housing choice and that an appropriate mix of housing is achieved across the City. Policy CP19(b) outlines at site level a housing mix may be set. However, from the evidence before me, there is no set housing mix for the appeal site through the mechanisms suggested in the policy.
16. The Appellant has indicated that there is a demand for such a type of housing in the area and that given the location of the site it would be more suitable for young persons. I also acknowledge that the OAN expects the focus of new market housing provision to be on two and three-bed properties.
17. Whilst I am conscious of the provisions of Policy CP19(c) and the OAN, I am satisfied that the Appellant has had regard to the housing mix particularly given that the site has been unsuccessfully marketed for the development of four 3-bedroomed properties which were previously granted planning permission¹.
18. Furthermore, at my site visit, I saw a variety of residential property sizes and styles in the area. Given this variety, the development of a mix of studio and one bedroomed flats, of the number indicated in this application, would not have an adverse impact on the urban grain of the area or the local neighbourhood.
19. In respect of the potential overdevelopment of the site, the Council have given very little evidence or explanation of their concerns. From the indicative plan submitted with the application it would appear that a development of this number of residential units could be successfully achieved within the site without having an excessive site coverage or height. Whilst I share the concerns of the Council in terms of the design and appearance of the building in the indicative scheme, this is not a matter before me.
20. Subject to a suitable design which would be considered at reserved matters stage (should I be minded to allow the appeal), for the above reasons the proposal would respect the character of the area and would reflect the varied urban grain of the locality. The development would therefore accord with Policies CP12, CP19 and SA6 of the CP which amongst other matters seek to improve housing choice and maintain balanced communities.

¹ BH2013/03498

Other matters

21. The Appellant has raised concerns over the Council's processing of the planning application. However, these concerns are procedural matters which have very little bearing on the planning merits of the development before me.

Conclusion

22. Taking all matters into consideration, including some letters of support, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 8 June 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: 12th June 2017

Appeal Ref: APP/Q1445/W/17/3169743
14 Foxhunters Road, Portslade, BN41 2RY

- 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 Simon Hodges against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05349, dated 19 September 2016, was refused by notice dated 16 February 2017.
 - The development proposed is described as *'the proposals are for the conversion of existing 5/6 bed chalet bungalow to 2 self-contained family 2/3 bed chalet bungalows, with single storey rear extensions, and associated parking and ancillary areas'*.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing 5/6 bed chalet bungalow to 2 self-contained family 2/3 bed chalet bungalows, with single storey rear extensions, and associated parking and ancillary areas at 14 Foxhunters Road, Portslade, BN41 2RY in accordance with the terms of the application, Ref BH2016/05349, dated 19 September 2016, subject to the conditions set out in Appendix A.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

3. The appeal building is a semi-detached bungalow with first floor dormer window style extension to the rear. To the front there is a projecting gable ended bay with porch. To the side of this appears to be a single storey side extension with hipped roof, mainly comprising the room labelled as 'lounge' on drawing FHP.001. More widely, the street is characterised by a mixture of houses and bungalows, a number of which have been subject to various extensions and alterations, such as rooflights and dormers.
 4. The appeal scheme seeks the conversion of the existing semi-detached bungalow into two separate three bedroom dwellings. This would include two single storey flat roofed rear extensions, the removal of one large box dormer and its replacement with four smaller dormers, rooflights to the front roofslope and the alteration of the roof from hipped to barn hip style. Such features are not unusual within the context of the street scene and therefore there is scope for them to be acceptable.
-

5. The Council is concerned that the existing extension to the side is not subservient to the main building. They also point to the fact that in their view this extension has a detrimental impact on the street scene and host building owing to this non-subservient form. However, this extension already exists, with any impact on symmetry with the adjoining property already present. The principle of the acceptability of the existing extension is not at issue here. In terms of the roof alterations from hipped to barn hip style, this is a relatively minor change in the roof form and given its relatively small degree of change would not add considerable bulk to the building as the Council alleges.
6. In terms of the relocation of the front door to the gable-ended bay, whilst this would be in a different location from the present entrance, the proposal would still retain two bays to the front of the building and the gable, which is visually one of the key features in the front elevation. As such, whilst the proposal would result in changes to the front and other elevations, these would not be of a significant level, nor would they have a harmful impact on the character and appearance of the street scene.
7. I therefore conclude that the proposed development would not have a materially harmful impact on the character or appearance of the street scene or the host building. It would therefore accord with Policy QD14 of the *Brighton and Hove Local Plan (retained policies March 2016)* and Policy CP12 of the *Brighton and Hove City Plan Part One* (both supported by *SPD12: Design Guide for extensions and alterations*), which, amongst other aims seek to ensure that developments are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Conditions

8. Although separately requested by the Inspectorate, no suggested conditions have been provided by the Council. I have nonetheless considered imposing conditions in the context of Paragraph 204 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions.
9. A condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary to provide certainty. Furthermore a condition requiring the use of matching materials is reasonable to protect the character and appearance of the street scene.
10. In terms of the condition suggested by the local highway authority for details of cycle storage, given that there would be areas of garden to both the front and rear of the proposed properties that could be used for such purposes, I do not consider that such a condition is necessary in this instance.

Conclusion

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

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FHP.001, FHP.002 Rev B and FHP.003.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

