



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	13 December 2017
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Russell-Moyle</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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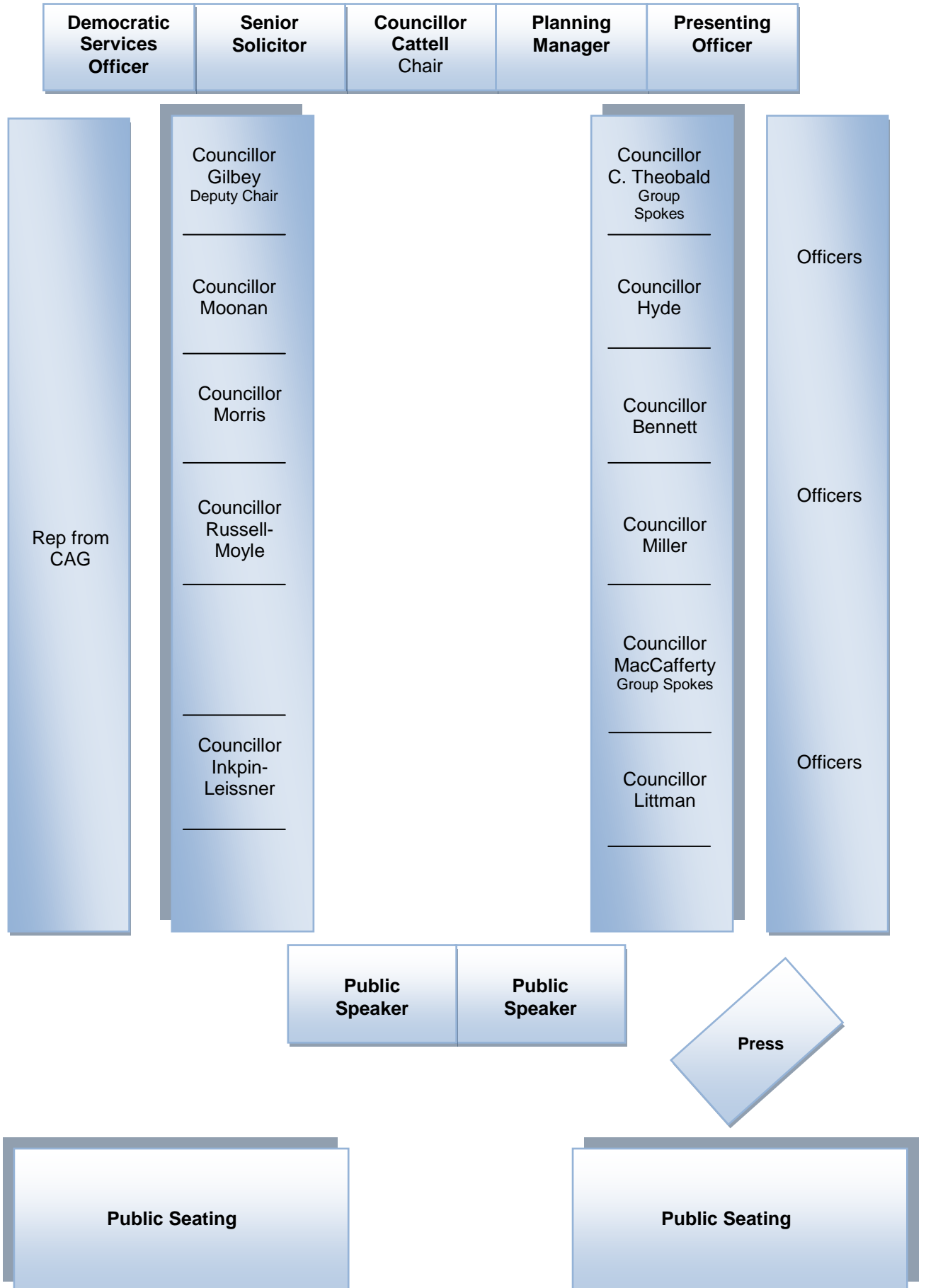
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Democratic Services: Planning Committee



AGENDA

80 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

81 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 8 November 2017 (to be circulated separately).

82 CHAIR'S COMMUNICATIONS

83 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 6 December 2017.

84 SECTION 106 - 2016/17 CONTRIBUTIONS FINANCIAL REPORT 1 - 8

Report of the Executive Director for Economy, Environment & Culture (copy attached).

Contact Officer: Debra May

Tel: 01273 292295

Ward Affected: All Wards

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

86 TO CONSIDER PLANNING APPLICATIONS

MAJOR APPLICATIONS

A Application BH2017/02156 - 2, 3, 4, 5 and 6 Pelham Terrace, Brighton-Full Planning 9 - 56

Demolition of existing buildings and erection of a part 1,6, 8 and 9 storey building to form 189 student rooms (sui generis) 1no one bedroom and 4no 2 bedroom residential dwellings (C3), shared community facilities, landscaped roof terraces, plant room, cycle storage, recycling/refuse facilities and associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Moulsecoomb and Bevendean

B BH2017/02863 - University of Sussex, Refectory Road, Brighton - Reserved Matters 57 - 68

Reserved matters application pursuant to outline permission BH2013/04337 for approval of appearance, landscaping and layout relating to new access road between Boiler House Hill and Science Park Road.

RECOMMENDATION – GRANT

Ward Affected: Hollingdean and Stanmer

MINOR APPLICATIONS

PLANNING COMMITTEE

- C BH2017/02745- 28 Braybon Avenue, Brighton-Householder Planning Consent 69 - 76**
- Erection of single storey rear extension. Demolition of existing detached garage at rear and erection of new garage to front.
Erection of single storey studio in rear garden.
RECOMMENDATION – GRANT
Ward Affected: Patcham
- D BH2017/02113- 33 Upper North Street, Brighton- Full Planning 77 - 88**
- Change of use of tattoo studio (Sui Generis) to leisure use as escape rooms (D2).
RECOMMENDATION – GRANT
Ward Affected: Regency
- E BH2016/05672 - St Christopher School Sports Ground Glebe Villas, Hove- Removal or Variation of Condition 89 - 104**
- Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use.
RECOMMENDATION – GRANT
Ward Affected: Wish
- F BH2017/02057- 43 Clarendon Villas, Hove -Full Planning 105 - 122**
- Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.
RECOMMENDATION – GRANT
Ward Affected: Central Hove
- G BH2017/00306 -Store Rear of 51 Sackville Road (Brooker Place), Hove - Full Planning 123 - 132**
- Demolition of existing store and garage (B8) and erection of new store/garage (B8).
RECOMMENDATION – GRANT
Ward Affected: Central Hove
- H BH2017/02482-Bowen Court, 31-35 The Drive, Hove- Full Planning 133 - 142**
- Installation of safety railings to roof.
RECOMMENDATION – GRANT
Ward Affected: Central Hove
- I BH2017/0214- 33 Baker Street, Brighton- Full Planning 143 - 154**
- Change of Use from residential dwelling (C3) to 4no bedroom

PLANNING COMMITTEE

Small House in Multiple Occupation (C4). (Part Retrospective).

RECOMMENDATION – GRANT

Ward Affected: St Peter's and North Laine.

- 87 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

- 88 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 155 - 156
(copy attached).
- 89 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 157 - 162
(copy attached).
- 90 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 163 - 164
(copy attached).
- 91 APPEAL DECISIONS** 165 - 238
(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

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

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PLANNING COMMITTEE

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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, 5 December 2017

Subject:	Section 106 Planning Obligations - 2016/17 Financial Contributions Report		
Date of Meeting:	16 November 2017 13 December 2017		
Report of:	Executive Director – Economy, Environment and Culture		
Contact Officer:	Name:	Debra May, Principal Planning Officer (s106)	Tel: 01273 292295
	Email:	debra.may@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report provides information and updates on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2016/17. These are payments secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process and are determined by Planning Committee. The publication of this information is in response to the recommendations in the Planning Advisory Group (PAS) Planning Peer Review, it provides further information on measure to mitigate the impact of new development; and is more open and transparent. The report sets out the type and value of contributions and the process for the allocation of contributions.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the report on the s.106 financial contributions held and those sums secured, received and spent within the last financial year (2016/17).
- 2.2 That Committee agrees that updates are to be reported at the end of each financial year.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Planning obligations, commonly known as Developer Contributions or Section 106 Agreements, are legally binding agreements between the council as Local Planning Authority and landowners/developers that are secured through the planning process to meet planning policy objectives that enable the granting of planning permission.

- 3.2 The contributions are secured under Section 106 of the Town and Country Planning Act 1990. Under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 a planning obligation may only constitute a reason for granting planning permission for development where an obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 3.3 The specific obligations in each s106 Agreement makes a development proposal acceptable in planning terms that would not otherwise be granted planning permission. The Developer Contributions are sought in accordance with planning policy objectives set out in the adopted development plans (City Plan Part One and the remaining retained policies in the Brighton & Hove Local Plan 2005). The figures included in this report illustrate the 'value added' to development proposals as a result of the planning process in securing site specific mitigation measures and the provision of new and enhanced infrastructure facilities for the benefit of local communities in the city.
- 3.4 The obligations are typically sought on major development proposals (10 or more dwellings) determined at Planning Committee. Committee will agree the details of a specific mitigation project to be included in the s106 Agreement that enables the granting of planning permission. These details form part of the legal agreement which, once signed, forms part of the planning permission and is a public document.
- 3.5 Planning officers negotiate with developers as part of the planning process. In terms of identifying s.106 priorities officer use local plan priorities and the adopted Developer Contributions Technical Guidance (DCTG). The latter identifies the main type of contributions that should be sought and contains approved methods for assessing the level of contribution. Additionally, officers in the relevant teams in the city council are consulted on development schemes that trigger potential developer contributions. They are asked to make comments and identify priorities for projects which are often based on agreed service strategies and the location of the development.
- 3.6 Contributions secured in 2016/17
This is a breakdown of the type and amount of the financial contributions secured through granting planning permission in 2016/17. See below.

Summary of s106 contributions Secured in 2016/17

Affordable Housing - commuted sums in lieu	£3,821,508
Education	£ 643,633
Local Employment & training	£ 341,830
Parks, sports Inc. Allotments	£ 861,037
Transport initiatives – all	£ 818,774
Total contributions Secured 2016/17	£6,486,782

3.7 The obligations are provided through either financial or in-kind direct provision towards necessary physical, community and environmental infrastructure. The contributions secured will vary according to the scale and type of development proposed. Many contributions, such as towards education, open space, recreation and local employment, are triggered by major developments of over 10 residential units. The contributions received are spent by council services for upgrades and improvement to specific identified measures in the nearest most appropriate vicinity of the development. The actual financial contributions will not be made until the developer reaches a specific trigger point in implementing their planning consent so there is a lag between contributions secured (above) and received (below).

3.8 Contributions Received in 2016/17

A breakdown of the type and amount of contributions received in 2016/17 and 2017/18 up to 30 September 2017 is set out below.

Summary of s106 contributions Received in 2016/17 & up to 30 September 2017

Artistic components	£24,900
Education	£381,442
Local Employment & training	£175,123
Parks, sports Inc Allotments	£673,623
Transport initiatives – all	£771,011
Total contributions Received 2016/17 up to 30/9/17	£2,026,099

3.9 As stated above, contributions are received when a specific trigger is reached such as the commencement of development or the occupation of the development. In addition, developers have three years in which to implement their planning permissions. This means that contributions may not necessarily be received in the same year of planning permission being granted.

3.10 Contributions spent in 2016/17

A breakdown of the type and amount of contributions spent in 2016/17 is set out in paragraph 3.13 below.

Contributions held (as at 30th September 2017)

A breakdown of the sums held is set out in paragraph 3.13 below.

3.11 This year the contributions have been spent on a range of projects and services in accordance with the s106 agreements linked to the individual planning consents. The balance of sums held varies as contributions are received and spent. Some contribute to significant individual schemes and projects, such as school expansion and sports facilities, and some contribute to ongoing rolling programmes of smaller scale works, such as bus stop improvements. Concluded planning obligations dated from 2010 can be found on the council's website Planning Register by searching against the planning application to which they relate.

- 3.12 Depending on the scheme, s106 contributions are required to be spent within a period of 3 to 10 years, after which unspent contributions are returned. The council has a good record of ensuring contributions are spent and over the last 17 years, only one contribution has been returned following the completion of a development.
- 3.13 A breakdown summary of the s.106 contributions spent in 2016/17 and sums held up to 30th September 2017 are set out in the paragraph below. In terms of the balance of sums held, as outlined in para 3.11 above, this is required to be spent on the specific projects identified in the original s106 agreements linked to the granting of planning permission on individual schemes.

Summary of s.106 sums spent 2016/17 and contributions held (as at 30th September 2017):

	2016/17 Spend	Balance Sums held
Artistic Components	£94,161	£224,894
Community Facilities	£0	£113,437
Education	£0	£1,648,841
Local Employment & training	£56,992	£245,580
Parks/sports Inc. Allotments	£748,227	£1,907,354
Transport – Bus stops	£235,462	£291, 405
Transport – walking/cycling Inc. highways	£159,458	£2,377,255
Total 2016/17 spend	£1,294,300	
Total balance sum held as at 30/9/2017		£6,808,766

3.14 The future of developer contributions

The collecting and spending on s106 contributions and provision of direct on site infrastructure will continue to be monitored through the Planning service. The contributions paid by developers are held in a separate ring fenced fund in accordance with financial procedures and identified to those specific infrastructure projects and measures as agreed at Planning Committee as identified within each s106 Agreement. The process is monitored by the Principal Planning Officer (Section 106) and the contributions released retrospectively following the appropriate infrastructure improvements being completed.

- 3.15 Ward councillors can comment on a proposed development in their ward where a s106 contribution might be necessary and where any funding might best be used towards supporting infrastructure in the local area. Developer contributions are normally triggered on major applications (e.g. 10 or more dwellings) and these can be identified through the planning weekly list. Comments made on contributions are more effective if made early on in the planning process to allow for negotiations and for the officer report and s106 agreement to be drafted. As set out above, payments need to meet the tests for contributions and planning applications need to be determined in a timely way.

3.16 Committee approval has been given to progress a Community Infrastructure Levy (CIL) charge for the city, commencing shortly with consultation on a Preliminary Draft Charging Schedule (PDCS). This is a levy on new development based on floorspace or number of residential dwellings and should be spent on strategic infrastructure. Section 106 contributions will continue alongside CIL for securing direct on site infrastructure requirements which will include affordable housing, some transport and local employment opportunities. To enable introduction of a CIL, and prevent charging twice for infrastructure, s106 contributions towards education, recreation open space and transport will be replaced by CIL once it is adopted.

3.17 In securing a CIL a wider range of development, including individual residential units, will provide contributions to infrastructure. There are restrictions on pooling payments from s106 planning obligations and these do not apply to CIL. Negotiating CIL income is not part of the planning application process, so it is likely that most councillor input will be into how the contributions are spent locally through priorities set out in a Regulation 123 list. Officers will review member involvement in both S106 contributions and CIL to ensure that this is effective.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The report provides details on the annual securing, receipt, spend and balances held for s106 developer contributions from development schemes in the city, with the proposal this approach continues for reporting annually. The only alternative option is that reporting is not provided annually and this information is not therefore available to view to all interested parties.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Community consultation has been carried out directly in respect of this report. However, securing s106 contributions is in accordance adopted planning policy and priorities in the City Plan Part One adopted March 2016 following extensive consultation over a number of years. The community are welcome to comment on all planning applications in their areas which are available to view on the council website.

6. CONCLUSION

6.1 The recommendation is to note the report and agree to the continued annual reporting of up to date details on the value and scale of developer contributions available for supporting physical, community and environmental infrastructure across the city.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The staff costs resulting from the implementation of the report recommendations will be met from existing revenue budgets within the City Development and Regeneration service.

7.2 All new capital schemes financed from Section 106 contributions require approval from the Policy and Growth Committee as part of the Targeted Budget Monitoring (TBM) process.

7.3 Developer contributions under Section 106 Planning Obligations are considered to be an important source of income in providing or upgrading infrastructure.

Finance Officer Consulted: Gemma Jackson

Date: 19/10/17

Legal Implications:

7.4 The statutory background to securing developer contributions by way of planning obligations is set out in the body of the report. Where a planning obligation is required the planning permission for the development proposed will not be issued until the relevant agreement or undertaking has been concluded.

7.5 It is not considered that the recommendations of the report raise any adverse human rights implications.

Lawyer Consulted: Hilary Woodward

Date: 23/10/17

Equalities Implications:

7.6 Section 106 developer contributions can provide wide benefits for residents and visitors to the city with the timely and effective provision of community infrastructure for example: affordable housing; local employment, recreation space, improved access and education facilities.

Sustainability Implications:

7.7 Sustainable development is a key priority to the council and s106 developer contributions assist in ensuring necessary obligations are secured towards appropriate enabling infrastructure to help provide long-term sustainable transport in the city.

Any Other Significant Implications:

7.8 None.

SUPPORTING DOCUMENTATION

Documents in Members' Rooms

1. None

Background Documents

1. Brighton & Hove City Plan Part One – March 2016
2. Developer Contributions Technical Guidance - March 2017

ITEM A

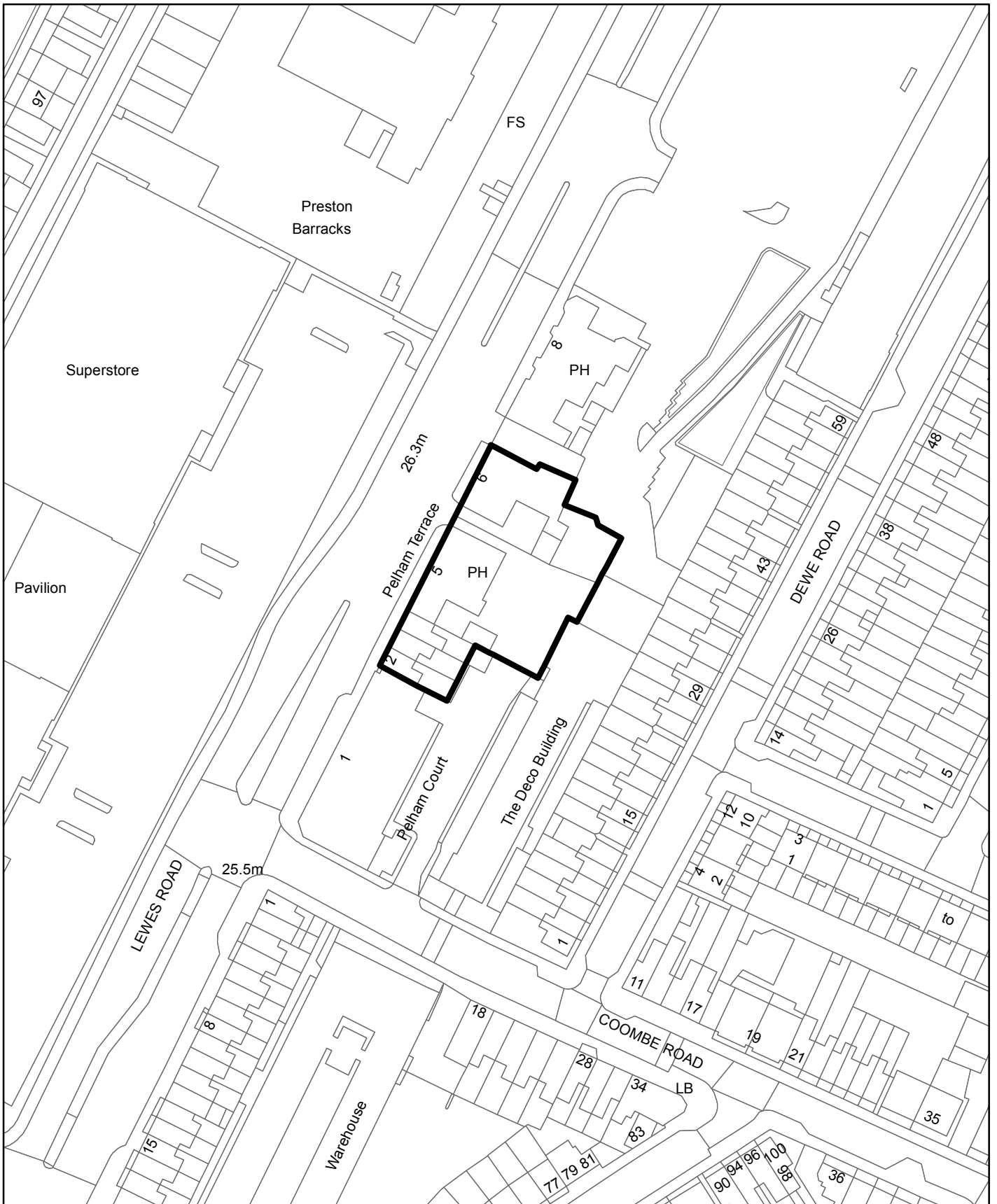
2, 3, 4, 5 & 6 Pelham Terrace, Brighton

BH2017/02156

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/02156 2,3,4,5 & 6 Pelham Terrace, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2017/02156	Ward:	MOULSECOOMB AND BEVENDEAN
App Type:	Full Planning		
Address:	2, 3, 4, 5 And 6 Pelham Terrace Brighton BN2 4AF		
Proposal:	Demolition of existing buildings and erection of a part 1,6, 8 and 9 storey building to form 189 student rooms (sui generis) 1no one bedroom and 4no 2 bedroom residential dwellings (C3), shared community facilities, landscaped roof terraces, plant room, cycle storage, recycling/refuse facilities and associated works.		
Officer:	Jonathan Puplett Tel 292525	Valid Date:	07/07/2017
Con Area:	N/A	Expiry Date:	06/10/2017
Listed Building Grade:	N/A		
Agent:	Simply Planning Limited 15 Buckingham Gate London SW1E 6LB		
Applicant:	CKC Properties Limited C/O Simply Planning Limited		

1. RECOMMENDATION

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

S106 Heads of Terms

- A Student Management Plan including move in/move out strategy.
- Occupancy restriction to students studying at a Higher Education Establishment in the City.
- A Community Use Agreement for the 'Hub'.
- A contribution of **£18,900** 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 **£80,000** towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A **scheme of Travel Plan measures** which should include:
 - Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
 - Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
 - Provide local public transport, walking and cycling maps.
- A contribution of **£241,671** towards open space and indoor sport provision.

- An artistic component / element as part of the proposed scheme to the value of **£30,000**.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Floorplan	A-0110-S2.P0.8		27/06/2017
Proposed Floorplan	A-0119-S2.P0.9		27/06/2017
Proposed Site Plan	A-0030-S2.P0.9		27/06/2017
Proposed Site Plan	A-0010-S2.P0.9		27/06/2017
Proposed Site Plan	A-0011-S2.P0.9		27/06/2017
Proposed Site Plan	A-0031-S2.P0.9		27/06/2017
Proposed Elevation	A-0210-S2.P0.9		27/06/2017
Proposed Elevation	A-0211-S2.P0.9		27/06/2017
Proposed Floorplan	A-0114-S2.P0.12		08/11/2017
Proposed Floorplan	A-0116-S2.P0.12		08/11/2017
Proposed Elevation	A-0213-S2.P0.12		08/11/2017
Proposed Floorplan	A-0112-S2.P0.12		08/11/2017
Proposed Floorplan	A-0111-S2.P0.12		08/11/2017
Proposed Floorplan	A-0118-S2.P0.12		08/11/2017
Proposed Elevation	A-0212-S2.P0.12		08/11/2017
Proposed Floorplan	A-0115-S2.P0.12		08/11/2017
Proposed Floorplan	A-0117-S2.P0.12		08/11/2017
Proposed Floorplan	A-0113-S2.P0.12		08/11/2017

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 terrace and 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 and Hove Local Plan.

4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent 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 development shall be carried out in accordance with the approved details.

Reason: The site is located in a Source Protection Zone 1 for the supply of potable water. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton and Hove Local Plan.

6. 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 occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

7. 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 and CP11 of the Brighton and Hove City Plan Part One.

8. The café/Hub hereby approved shall only be open to members of the public between 07.00 and 23.00.

Reason: To protect the amenity of neighbouring occupiers and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan.

9. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

10. The communal outdoor terrace areas hereby permitted shall not be in use except between the hours of 09:00 and 21:00.

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

11. (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 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 BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) and, unless otherwise agreed in writing by the Local Planning Authority,
 - c) 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 BS10175:2001;
 - d) and, unless otherwise agreed in writing by the Local Planning Authority,
 - e) 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 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) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority 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) (c).

Reason: As this matter 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 policy SU11 of the Brighton and Hove Local Plan.

12. No development shall take place (including demolition) until a full asbestos survey of the existing buildings, undertaken by a suitably qualified specialist, has been submitted to and agreed in writing by the Local Planning Authority. The report shall set out all findings of asbestos and a proposed methodology for the safe removal of such materials. Development shall be carried out in accordance with the approved report and the development shall not be occupied until a report containing evidence to show that all asbestos containing materials have been removed from the premises in a safe manner

and taken to a suitably licensed waste deposit site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health of neighbouring and future residents of the site and to comply with policy SU11 of the Brighton and 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 and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

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

15. i) No development shall take place (including any demolition, ground works, site clearance) shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of

Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for precautionary measures to be taken for bats during demolition has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

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

Reason: To ensure that harm is not caused to bats during demolition works and to comply with Policy QD18 of the Brighton and Hove Local Plan.

17. No development 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 and 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, June 2017 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.

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

19. 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;
 - 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 and Hove City Plan Part One.

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the building 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 and Hove Local Plan.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the floors and walls between residential/student units and the public/communal/plant room/service areas of the building, 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 and Hove Local Plan.

22. No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme on how and where ventilation will be provided to the residential/student accommodation hereby approved, 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality, and shall provide a fresh air source to future occupiers which does not require the opening of windows facing onto / close to Lewes Road.

Reason: To ensure future occupiers benefit from a good standard of amenity and do not suffer undue noise disturbance, to provide fresh air to all future occupiers, and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

23. Prior to first occupation of the development hereby permitted, details of external lighting shall be 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, to ensure that disruption to bat activity is not caused, and to comply with policies TR7, QD18, QD25 and QD27 of the Brighton and Hove Local Plan.

24. 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 screening of roof terrace areas;
- c) Details of all proposed planting to terrace areas, green walls and roofs.

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

25. Notwithstanding the submitted details, prior to first occupation of the development hereby permitted, details of areas of green roofs and green/living walls shall, including details of their construction shall be 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 / walls shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To mitigate for the proposed removal of trees on the site, to ensure that the development contributes to ecological enhancement on the site, the visual amenities of the area, and to the improvement of air quality in an Air Quality Management Area, and to comply with policies DA3, CP8, CP10, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, policies SU9 and QD5 of the Brighton and Hove Local Plan, and the guidance set out in SPD11 'Nature Conservation and Development'.

26. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site, including the type, number, location and timescale for implementation of the compensatory bird / bat boxes and/or bricks, 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 QD18 of The Brighton and Hove Local Plan, Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

27. All hard landscaping and means of enclosure, including screening of terrace areas, shall be completed in accordance with the approved scheme prior to first occupation of the development and retained as such thereafter. 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 and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

28. Prior to first occupation of the development hereby permitted, details of:

- a) secure cycle parking facilities for the occupants of, and visitors to, the development;
- b) a scheme setting out highway works to implement a continuous footway on Lewes Road in front of the site which shall include the resurfacing of the footway;

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried, and the approved facilities shall be fully implemented and made available for use, prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that satisfactory facilities are provided and to comply with policies TR1, TR7, TR19 and QD3 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.

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

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

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 Brighton and Hove 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 Brighton and Hove City Plan Part One.

32. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development (including the student studios) hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

33. The five residential 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 and Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and 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. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health and Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. In regard to Condition 25, the applicant is advised that in order to mitigate for the proposed removal of trees on the site, to ensure that the development contributes to ecological enhancement on the site, the visual amenities of the area, and to the improvement of air quality in an Air Quality Management Area, the Local Planning Authority expects that substantial areas of living/green walls will be provided, beyond that which is detailed in the application submission.

2. SITE LOCATION and DESCRIPTION

- 2.1 The application site is 1790m² and is currently occupied by a terrace of three houses, a former public house and garden (The Lectern), a single storey building currently occupied by a convenience store, and single storey buildings to the rear of the convenience store which are now vacant previously occupied by a car sales business. The site lies within the DA3 Development Area (Lewes Road Area) identified in the Brighton and Hove City Plan Park One. The site also lies within a Ground Water Source Protection Area (Zone 1), and an Archaeological Notification Area.
- 2.2 As set out in Section 3 below, a large redevelopment scheme involving sites to the north of the application site (Preston Barracks and Mithras House) has been recently determined at Planning Committee (September 2017).

3. RELEVANT HISTORY

- 3.1 No relevant planning permissions relating to the application site.
- 3.2 An application was made to list the Lectern as an Asset of Community Value (ACV) in August 2015 and the ACV status of the public house was confirmed in January 2016.

A review of the ACV listing was requested in April 2016 and an informal hearing was held by the Council on 29 April 2016. The decision to maintain the ACV listing was made in May 2016.

3.3 Pre application discussions relating to the proposed development commenced in May 2016. A series of pre-application meetings, design review panel discussion and an informal presentation to Planning Committee members were made between January 2017 and April 2017 to inform development proposals for the site. The proposed development design has evolved significantly over this period.

3.4 **Neighbouring sites**

Preston Barracks / Mithras House / Watt Building

BH2017/00492: (Full application) Preston Barracks Parcel Demolition of existing buildings and construction of (B1) 7 storey Central Research Laboratory, Student Accommodation (Sui Gen) within 3 blocks of 13, 11 and 15 storeys, 369 (C3) residential units in 8 Blocks with a range between 2 and 10 storeys with associated ancillary development, parking, public realm works and landscaping. Mithras Parcel Demolition of existing building (Steam House) and construction of a mixed use Campus Development consisting of Student Accommodation (Sui Gen cluster flats) providing 804 bed spaces within five blocks, Block 1 (10 storeys), Block 2 (18 Storeys), Block 3 (10 storeys), Block 4 (12 storeys) and Block 5 (9 storeys), 596 sq. m of services including students union and welfare facilities (Sui Gen), 898 sq. m (GIA) gymnasium (D2), and associated ancillary development, including provision of 13 disabled parking spaces serving the student accommodation, cycle parking, public realm works and landscaping improvements. Lewes Road Installation of new signalised crossroads and T Junction, pedestrian crossings and footway improvements, erection of pedestrian and cyclists bridge crossing Lewes Road.

3.5 (Outline Application) Watts Parcel Removal of existing Watts House temporary building and erection of a 6 storey (D1) Academic Building for a Business School consisting of 6,400 sq. m of floorspace, linked canopy and provision of 551 space multi storey car park to the rear (maximum 8 storey equivalent height) with associated ancillary development, including provision of cycle parking, access and servicing road, public realm and landscaping improvements.

3.6 Determined as 'minded to grant' subject to completion of s106 legal agreement at Planning Committee meeting of 27/09/2017.

3.7 **1 Pelham Terrace ('Carpetright' and flats above)**

BH2004/00256/FP: Creation of one additional one-bedroom flat at fourth floor level on east side in place of terrace (amendment to application ref: BH2002/01895/FP). Approved 19/03/2004.

3.8 **BH2002/01895/FP:** Redevelopment of disused petrol station and retail car workshops to create 36 residential units including 14 for a local Housing Association and a ground floor retail shop together with 17 parking spaces and service area. Approved 26/06/2003.

4. THE APPLICATION

- 4.1 Planning permission is sought for the demolition of all buildings on the site and the removal of trees and clearance of the garden to the rear of the former public house, to be replaced with a nine-storey building comprising at ground and first floor communal facilities for residents and partially open to the public including a 'Community Hub', from first floor to seventh floor student accommodation comprising 189 studios, and at ninth floor, four two-bedroom residential units and one one-bedroom unit are proposed. Roof terrace areas are proposed at first, sixth and eighth floor levels.
- 4.2 The main form of the building would be finished in a light coloured brick over a fully glazed two storey base along the northern half of the plan, set back at an angle at the north-west corner of the building, the entrance to the building sitting below a second floor triangular cantilever. The ground floor level of the building covers almost the entire site (other than the set in corner), the upper floors of the building have an L-shaped floorplate and various elements of the building are set down / back to break up the bulk of the structure and provide a transition to the development to either side of the site on Lewes Road.
- 4.3 The design of the proposed building has evolved during pre-application discussions and in response to the advice of Design South East's Review Panel.

5 PUBLICITY and CONSULTATIONS

5.1 External

Neighbours:

Twenty-three (23) letters of representation have been received objecting to the application for the following reasons:

5.2 Community mix

- The area is already overpopulated with students. Three new student blocks have recently been built/are being built, plus Preston Barracks/Mithras House. We do not want any more students; family homes should be built. Families are being driven out of the area.
- What is needed is a mix of peoples in the area and the proportion of students is already too high.
- Over time the area has become, we believe mainly due to students, an unfriendly congested, dirty and noisy place.
- The development is not needed; there are already other student blocks under construction in the area.
- Whilst the need for more student accommodation near to the Universities is understood, this type of accommodation does little to improve the overall ambience or economy of the area.
- The Coombe Road area is losing its identity and turning into a campus.
- This was a family orientated residential community some 18 years ago but families no longer wish to stay and continue to live in a purpose built student community.

5.3 Loss of the public house / community use

- The pub building is handsome and the pub could be operated in a way which would benefit the surrounding community including students.
- The pub is registered as an Asset of Community Value as it provided a meeting place, somewhere to go and have a drink, and a potential space for community events and meetings.
- Whilst the development proposes community space it does not preserve or replace the green space / garden to the rear of the public house which is part of the ACV designation.
- The proposal should include a ground floor café/bar.

5.4 The proposed student accommodation

- There is no evidence that purpose built student studios reduce the number of students in the surrounding areas. Especially the proposed accommodation is different in nature the HMOs throughout the Coombe Road Area - high specification, studios instead of low cost communal living.
- The proposed accommodation will be 'high-end' and not affordable for 98% of students.
- University of Brighton's numbers are dropping, University of Sussex is not expanding, both Universities are building their own accommodation; demand for purpose built accommodation will drop and this development will contribute to an oversupply.
- The development is out of keeping and unnecessary, as the area already has 500 student flats built on the gyratory and the agreed application of 800 student flats at Preston Barracks site. These developments are adding to the 'studentification' of a residential area and bring nothing to the local community, but undermine the fabric of the community as we lose the infrastructure of shops and pubs, to hundreds of flats without any parking facilities or social infrastructure to meet increased need.

5.5 Design

- The proposed building would exceed the height of neighbouring buildings in the vicinity.
- The proposal would appear as an insensitive blot on the landscape.
- The local area has lost many aesthetically diverse buildings and the loss of The Lectern would further reduce its cultural heritage.
- The proposed design is mediocre.
- The proposed building is too large and would be imposing.

5.6 Neighbouring amenity

- Neighbouring flats would be overlooked and overshadowed by the proposed building.
- The view / outlook from neighbouring flats would be further enclosed.
- Occupants of the proposed development would generate noise disturbance.
- The proposed plant room would generate noise disturbance.
- The proposed building is too tall and too deep. A new building should be no more than one storey taller than the existing.

- The value of flats within the Deco building would be reduced.
- The northern part of the Deco building suffers damp and the proposed building would block sunlight and make this worse.
- The development is close to the roads opposite another block therefore could cause a wind tunnel

5.7 Transport / Parking

- On-street parking is in high demand and this development, in conjunction with those which have taken place and are now taking place, will make this worse.
- The developers have said part of the contracts of these rooms is that students cannot bring a car with them, this is not legally binding and they will bring their cars and park them in the surrounding roads.
- The proposed development would result in additional traffic and pollution on surrounding streets; there are already long queues at peak times.

5.8 Building works

- The proposed building works would generate noise and dust; neighbouring windows would have to be kept closed.

5.9 Other

- The amount of rubbish from the student homes that constantly litters our streets is absolutely disgusting, some days you are literally walking through the mire.
- The local community would dispute that we were properly consulted – the developers chose to show the plans in Meadowview Community Centre which is at the top of Coombe Road and inaccessible to most residents in the area.

5.10 **Two (2)** letters have been received supporting the application for the following reasons:

- The city would benefit from more purpose built student accommodation; this could help to attract more students who make a valuable contribution to the city.
- More purpose built accommodation could reduce demand for HMOs which cause residents problems and create challenges for the Council.
- The development would help to modernise the area.
- The development would benefit the city in terms of income, jobs, new housing stock and a greater availability of student accommodation.

5.11 **One (1)** letter has been received making the following comments:

- At the consultation meetings held by the developers, I felt they had a very casual attitude to pollution. I would hope that the planning department will ensure a 'gold standard' system to benefit the users.
- The developers have planned local resident use of the cafe and meeting room. The Lectern Pub has the only green space in the area. If the developers linked

the cafe to the outside space at the rear and provided some play equipment this could encourage local resident use.

5.12 **Consultees**

External

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

The area of the proposed development has been severely terraced in the past. The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development. However, it is possible that The County Archaeologist has information not available to this Society. The society would suggest that you contact him for his recommendations.

5.14 **County Archaeologist: Comment**

The proposed development is within an Archaeological Notification Area defining an area of 18th and 19th century settlement, which includes a large military barracks complex.

5.15 Historic maps indicate that the proposed development site once contained a Wesleyan chapel, an inn known as the Royal Hussar, and still contains a row of late 19th century houses. The more modern history and development of this site is comprehensively discussed in the applicant's heritage assessment, although this sadly omits any discussion regarding archaeology.

5.16 The proposals will impact archaeological remains relating to:

- Extant historic buildings (it is therefore important no demolition commences before an archaeological written scheme of investigation is agreed)
- Below ground remains relating to former buildings on this site
- Below ground remains relating to earlier occupation of this area of Brighton

5.17 The existence of a Wesleyan chapel raises a potential for human burials, which are often associated with these chapels.

5.18 It is recommended that a programme of archaeological works be secured by planning condition.

5.19 **Southern Water: Comment**

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the developer.

5.20 The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

5.21 Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall

increase in flows into the combined system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

- 5.22 Should the Local Planning Authority be minded to approve the application, Southern Water recommends that full details of the proposed means of foul disposal be secured by planning condition.
- 5.23 It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
- a) An Adequate soakaway or infiltration system
 - b) Water course
 - c) Where neither of the above is practicable sewer
- 5.24 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.
- 5.25 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:
- 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.
- 5.26 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.
- 5.27 Conditions and informatives are recommended.
- 5.28 **Sussex Police: Comment**
Advice on security measures is provided including-

It is noted from the Design and Access Statement submitted in support of the application, the applicant understands of the need for separation of the residential element of the scheme from the community hub / café complex. This is extremely important in order to provide a degree of privacy, safety and security to the student / residents; this will be achieved by implementing access control throughout the development where applicable. Recommend using accredited products where necessary for doors and windows.

5.29 **Environment Agency:** No comments received.

5.30 **Internal**

Planning Policy: Object

Public houses are classified as community facilities and Policy HO20 applies. No information has been provided to justify the loss of the pub under this policy. Whilst it is noted that a 'community hub' providing a café, library, and meeting area is proposed, the applicant will need to demonstrate that the public house is 'not needed' in making a case that criterion (d) applies. If this can be demonstrated, then the provision of the proposed alternative community use would allow an exception to Policy HO20 to be considered using this criterion. It is suggested that viability evidence and marketing information demonstrating robust efforts to market the premises for ongoing use as a public house is provided in this regard.

5.31 The site is within easy walking distance (approximately 410m) of the Lewes Road District Centre and a new supermarket is proposed in the retail park directly opposite the site. No policy concerns are therefore raised under Policy SR8 with regard to the loss of the current retail unit.

5.32 The principle of Purpose Built Student Accommodation (PBSA) on the site is acceptable; however City Plan Policy CP21 part (i)/A/6 requires new purpose built student accommodation to have a formal agreement with one of the city's two universities or other existing educational establishment within Brighton and Hove. No information has been provided to demonstrate compliance with this part of the policy.

5.33 **Heritage:**

The site does not include any listed buildings and is not within a conservation area. The Round Hill conservation area is c600m south-west of the site. Round Hill is a largely residential late Victorian area notable for its long terraces of houses on rising ground with long views to the Downs to the east. Two of the grander groups of terraces in Round Hill Crescent are grade II listed. The terraces closest to the site are more modest two storey terraces. The conservation area has a strong relationship with the downland topography and there are important views to the Downs in the distance. The Round Hill Conservation Area Character Statement notes that "it is in the long views of the conservation area that its greenness can be appreciated - a characteristic not evident from the streets within the area". Woodvale Cemetery, which is a grade II registered park and garden, is c600m to the south-east of the site.

5.34 The site does not contain any locally listed buildings or other identified non-designated heritage assets. Numbers, 2, 3 and 4 Pelham Terrace are modest 2 storey terraced house in gault brick and render dating from c1891, typical of the period but somewhat altered. Adjoining to the north is the former Lectern public

house of c1927 for Tamplins Brewery and likely to have been an 'improved public house'. It has some architectural and historic interest but is architecturally unassuming compared to similar public houses of the period.

- 5.35 The site does lie within an Archaeological Notification Area.
- 5.36 There is no heritage objection to the proposed redevelopment of the site and it is noted that the site falls within an area identified in policy CP12 and in SPGBH15 as having the potential to accommodate taller buildings. The submitted Townscape, Landscape, Visual and Heritage Assessment clarifies that a building of this scale, height and massing would cause no harm to the setting of any of the heritage assets within 600m or so of the site. The development would be visible from some elevated viewpoints in the Round Hill conservation area but would appear within the context of the existing urban built development; it would not impact on the skyline or on views of the distant downland and would not affect the sense of 'greenness' in long views referred to as important in the Round Hill Conservation Area Character Statement.
- 5.37 **Economic Development: Comment**
City Regeneration has no adverse comments to make regarding this application.
- 5.38 Priority area DA3 of the City Plan Part One highlights the need to enhance the offer for HE students studying at the city's two universities including access to suitable accommodation, freeing up family-sized homes which have increasingly been used as HMOs for students in this area, but are also in high demand due to the shortage of social and affordable housing for families generally. A key element to this application is the demolition of the former Lectern public house. This building has not served as a public house for some years and has been boarded up for some time following a period of being put to alternative use by the University of Brighton. The Cost Cutter supermarket would face serious competition once the Aldi supermarket is completed on the Pavilion Retail Park opposite.
- 5.39 Should this application be approved City Regeneration requests the submission of an Employment and Training Strategy in respect of the demolition phase of the development and a more comprehensive strategy in respect of the construction phase, to be submitted at least one month prior to site commencement, highlighting how the development will provide opportunities for employment and training for local people. Also, if approved, in accordance with the council's Developer Contributions Technical Guidance, City Regeneration requests a contribution of £18,900 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contributions are based on the information provided in the planning application and supporting evidence.
- 5.40 **Environmental Health: Comment**
The submitted land contamination report raises a number of queries. The report does demonstrate that the site is safe for development, but it is unclear whether the remediation measures outlined are a requirement for its safe ends use, which therefore need to be conditioned, and verification report submitted before occupation.

- 5.41 Sound insulation measures (higher specification glazing) and ventilation measures are required to ensure future occupiers do not suffer noise disturbance. Compliance with BS8233:2014 standards should be secured by condition.
- 5.42 The hours within which deliveries and (refuse) collections can take place should be controlled by condition.
- 5.43 Sound output from any plant and machinery to be installed should be restricted by condition.
- 5.44 Increased sound insulation should be placed between the communal areas and student rooms in order to ensure BS8233:2014 levels are achievable in bedroom once the whole premises is in use; sound insulation within the building should be secured by condition.
- 5.45 A CEMP should be secured by planning condition.
- 5.46 **Further comments 13/11/2017 and 28/11/2017 based upon additional information re land contamination:**
It is recommended that the full land contamination condition be applied to secure full details of any required mitigation / protective measures, conditions are also recommended to control / mitigate a number of other issues.
- 5.47 **County Ecologist: Comment.**
Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity, in particular bats. The site comprises scattered scrub, scattered trees, amenity grassland, introduced shrub, buildings and hard standing, and is of relatively low ecological value, but with the potential to support protected species.
- 5.48 **Bats**
All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Two buildings could not be accessed for assessment (numbers 2 and 3 Pelham Terrace), but from the information available, support features that offer potential for roosting bats. The former pub (5 Pelham Terrace) was assessed as offering moderate to high potential for roosting bats. The Costcutter building (6 Pelham Terrace) was assessed as having low bat roost potential. Further surveys are required to assess use of the site by bats and to inform appropriate mitigation, compensation and enhancement.
- 5.49 Minimum recommended survey effort for a structure with low bat roost potential is one dusk or dawn survey, and for a structure with high bat roost potential is three separate survey visits; one dusk, one dawn and the third either dusk or dawn. Surveys should be carried out between May and September with at least one for each building between May and August. Surveys should be carried out in accordance with best practice guidelines (BCT, 2016). Numbers 2 and 3 Pelham Terrace should be assessed for their potential to support bats and surveys scheduled accordingly.
- 5.50 **Breeding birds**

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.51 Other species

The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.52 Mitigation Measures/Enhancement Opportunities

Notwithstanding mitigation measures that may be required for bats, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of a green (biodiverse) roof and walls, the provision of bird and bat boxes and the use of species of known value to wildlife in the landscape scheme.

5.53 Further comments 23/11/2017 based upon additional information re bat surveys carried out in August 2017:

I have considered the additional information submitted in relation to the above application, specifically the Bat Survey Report (Phlorum, September 2017). I refer also to a recent telephone conversation with Jack Kellett of Phlorum.

- Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- There was no evidence of bats roosting in buildings on site, and bat activity on site was low, with the only species recorded being common pipistrelle. Bats were recorded commuting across the site, and the boundary habitats, particularly the eastern boundary, are used for commuting and possibly foraging.
- Although not mentioned in the report, it is understood that the loft spaces of properties 2 and 3 were boarded up, and as such, access into the roof voids could not be gained. However, the boarding up was relatively recent, and the rear of the buildings is well lit. In light of that, and the fact that there was very low activity recorded across the site, with the first calls registered nearly an hour after sunset, the likelihood of a roost being present is low and no further surveys are required. The buildings do, however, retain some potential roosting features. It is therefore recommended that a precautionary approach is taken to demolition whereby potential features are soft stripped by hand under ecological supervision.
- Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended that lighting levels should be kept to a minimum and lighting design should take account of national guidance. In particular, boundary habitats, especially the eastern boundary, should be kept dark, particularly during peak activity periods.

- Bat boxes and/or bricks should be provided on site as recommended in the bat survey report.
 - Advice provided on 31/07/17 relating to measures for other protected species and for enhancement of the site for biodiversity remains valid.
- 5.54 In summary, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective. Opportunities to enhance the site for biodiversity should be sought to address the Council's duties and responsibilities under the NERC Act and the NPPF.
- 5.55 **Sustainable Transport: Comment**
No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.
- 5.56 Required conditions:
- Full details of appropriate cycle parking
 - Scheme of highway works to implement a continuous footway on Lewes Road in front of the site which shall include the resurfacing of the footway.
 - Construction Environmental Management Plan (CEMP)
- 5.57 S106 requirements:
Contribution of £80,000 which shall go towards:
- Shelter and Real Time Passenger Information sign at Bottom of Coombe Road bus stop Meadow View bound
 - Shelter, Real Time Passenger Information sign and accessible kerb at Bottom of Coombe Road bus stop City Centre bound
 - Consultation and implementation on a Controlled Parking Zone in the local vicinity and implementation if supported by local residents
- 5.58 The need to provide Residential Travel Information Packs for the occupant of each first residential unit which include the following measures:
- Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
 - Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
 - Provide local public transport, walking and cycling maps.
- 5.59 The need to produce a Student Management Plan which includes the move in and out strategy including the following measures:

- Alternative, sustainable modes of travel to the site shall be promoted including the use of train, bus, coach and taxi before details of car travel
- Residents will be allocated a specific date and time on which they are permitted to move in or out of their accommodation and which clearly specifies their time slot
- Provision of a secure room at ground floor level to speed up the move in move out process.
- An information pack will be provided to all students detailing the move in and out process and will also include the location of nearby car parks/parking locations so that parents/students can park prior to and after loading their belongings into the building.
- That during the move in move out period that additional staff is on hand to assist with the process and ensure safe and legal loading/un-loading is taking place.

5.60 **Public Art: Comment**

An artistic element / component to the value of £30,000 should be secured to comply with Policies CP5, CP7 and CP13.

5.62 **Sustainability: Comment**

There are five residential units proposed on the top floor, they are expected to share the same heating strategy and be incorporated into the BREEAM assessment. Their performance individually is expected to achieve a 19% reduction against Part L1a 2013 given the use of CHP.

5.63 The Student Halls are targeting BREEAM Multi Residential 'Excellent' standard.

5.64 The scheme has addressed policy CP8 with some positive measures. These include a robust response to energy requirements: passive design measures; heating strategy based on Gas CHP (20Kw) providing onsite heating provided through a communal system, with energy plant that will have capacity for connection to a heat network; MVHR; efficient thermal building fabric. In addition the scheme proposes approaches to increase biodiversity and address urban heat island with green walls (20sqm) and green roofs 826 sqm (sedum). Sustainable drainage systems incorporated into scheme; 996sqm of residential garden created (though 747sqm lost giving net contribution of 249sqm).Capacity for 126 cycle parking.

5.65 Plans are silent on the following and could be improved by considering incorporation of renewable energy; additional tree planting; rainwater harvesting; food growing; electric vehicle charging.

5.66 The Momentum scheme includes a site wide gas CHP based heat network. Efficiencies could be achieved by connecting the application scheme to the Preston Barracks heat network proposed in application BH2017/00492

5.67 Energy and water consumption standards should be secured by Planning Condition.

5.68 **Flood Risk Management Officer: Comment**

Recommends conditions securing details of the proposed drainage strategy.

5.69 **Arboriculture: Object**

The loss of mature trees from this site and the minimal provision of soft landscaping will be detrimental to this area of the Lewes Road; the arboricultural team therefore recommend that consent is refused.

5.70 **Air Quality:** Awaiting full comments.

5.71 **Housing Strategy:** No comments received.

5.72 **Education:** No comment received.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton and Hove City Plan Part One (adopted March 2016);
- Brighton and Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton and 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 and 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 and GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- DA3 Lewes Road Area
- SA5 The South Downs
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP4 Retail Provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk

CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy City
CP19 Housing mix
CP20 Affordable housing
CP21 Student Housing and Housing in Multiple Occupation

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR19 Parking standards
SU3 Surface Water Drainage
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD5 Design - street frontages
QD7 Crime prevention through environmental design
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
HO8 Retaining housing
HO13 Accessible housing and lifetime homes
HO19 New community facilities
HO20 Retention of community facilities
HO21 Provision of community facilities in residential and mixed use schemes
SR8 Individual shops
SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest
HE11 Historic parks and gardens
HE12 Scheduled ancient monuments and other important archaeological sites

Planning Briefs

Lewes Road (Preston Barracks and University of Brighton) Planning Brief 2011
Preston Barracks Development Site Schedule 2014

Supplementary Planning Documents:

SPD06 Trees and Development Sites

SPD11 Nature Conservation and Development
SPD14 Parking Standards

Supplementary Planning Guidance:

SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

SPGBH15 Tall Buildings

Planning Advice Notes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS and ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of the former Public House and garden, dwellings, retail unit and car sales unit, the proposed Community Hub / café, student accommodation and residential units, design, impact on street scene and wider views, heritage assets and the South Downs National Park, standard of accommodation, neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology / biodiversity including impact upon protected species (bats).

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 site as a whole lies within an identified development area (DA3). The Development Area (Lewes Road) has been identified as being suitable for some student accommodation for attendees of the Universities including on specific sites. No. 6 Pelham Terrace is identified in the Council's Strategic Housing Land Availability Assessment as having the potential to deliver 6 dwellings.

8.4 It is proposed that all of the buildings on the site be demolished; therefore the loss of these buildings / uses, which are subject to protective planning policies, must be considered.

8.5 Loss of existing uses

The uses of the existing buildings on the site are as follows:

- Nos. 2, 3 and 4 Pelham Terrace are single dwellings. No. 2 has a license to be occupied as a three-person HMO (granted 07/11/2013).

- No. 5 Pelham Terrace is the former ‘Lectern’ public house which includes function rooms and a staff flat at first floor level, and a garden area to the rear.
 - No. 6 Pelham Terrace is a single storey 241m² retail unit (currently occupied by ‘Costcutter’).
 - No. 6A Pelham Terrace, comprising single storey buildings and a yard to the rear of no. 6, is registered for business rates purposes as a 116m² car showroom and premises.
- 8.6 The demolition of these buildings would result in the loss of four dwellings in the form of three houses and the staff flat for the pub. As part of the development four two-bedroom flats and a one-bedroom flat are proposed at eighth floor level, two of which have balcony areas and a communal terrace area is proposed. Whilst these units would not represent direct replacements of the types of accommodation which would be lost, there would be no net loss of units, and therefore the scheme does not conflict with policy HO8 which seeks to resist development which would result in a net loss of residential units. Furthermore the proposed two bedroom units could function as small family units for which there is a need for in the city.
- 8.7 The loss of a retail unit must be considered having regard to policy SR8 of the Brighton and Hove Local Plan which states that:
- 8.8 Planning permission for changes of use of individual shops from Class A1 use will be permitted provided all of the following criteria are met:
- a) The shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
 - b) It has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and
 - c) The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.
- 8.9 The site is approximately 400 metres north of the Lewes Road district centre and a retail park is in situ opposite where a supermarket is soon to open. The application submission does not put forward a detailed case relating to criteria (b). In many cases a retail unit may have been vacant for a period and may have been marketed with no firm interest expressed. In this case the unit is occupied however the case is made that the current occupier is suffering poor trade and significant investment would be required to bring the unit up to modern standards for a new occupier. It is acknowledged that the unit is in close distance to the main Lewes Road centre and will soon face further competition from a supermarket on the western side of Lewes Road. Overall it is considered that the loss of the retail unit has not been fully justified, however its loss must be considered as part of an overall assessment of the development which offers substantial benefits including an active frontage and publically accessible café and meeting spaces.
- 8.10 The loss of the car showroom use, which now appears to be vacant, is not directly contrary to local development plan policies, the loss of an employment generating use is regrettable however it is noted that the staffing of the proposed use would generate employment.

- 8.11 The former Lectern public house is classed as a community use and therefore its loss is considered having regard to policy HO20. Furthermore the public house and its garden are registered as an Asset of Community Value (ACV) which is a material consideration to which significant weight is given.
- 8.12 Policy HO20 of Brighton and Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:
- a) The community use is incorporated, or replaced within a new development; or
 - b) The community use is relocated to a location which improves its accessibility to its users; or
 - c) Existing nearby facilities are to be improved to accommodate the loss; or
 - d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 8.13 Where an exception (a-d) applies a priority is attached to residential and mixed use schemes which may provide 'live-work' and/or starter business units to meet identified local needs.
- 8.14 The application submission explains that in 2014 the Lectern Pub was assessed by the former owners 'Enterprise Inns' to be no longer viable as an existing operation, given both the decline in customer numbers over recent years and the considerable amount of investment that would be required to refurbish the pub and bring it up to a more modern standard. For these reasons the property was put up for sale and purchased by the Applicants in January 2015.
- 8.15 An application was made to list the Lectern as an Asset of Community Value (ACV) in August 2015 and was allowed in January 2016. A review of the ACV listing was requested in April 2016 and an informal hearing was held by the Council on 29 April 2016. The decision to maintain the ACV listing was made in May 2016.
- 8.16 Since the applicants purchase of the property in 2015 the public house has been marketed and there have been approximately 36 enquiries over the last 18 months. The Asset of Community Value (ACV) promoters expressed an interest in the building as a pub, along with one other response from another party but they did not materialise given the substantial costs of refurbishment. Other enquiries were for a mixture of other uses or they did not disclose any information regarding the intended use.
- 8.17 The application submission sets out that the applicants recognise the importance of incorporating a community use within the proposed building to re-provide community facilities. From an operational perspective the applicants considered that a replacement pub would not be viable alongside the proposed student residential use of the site, given the potential impact this could have on residential amenity. However a Community Hub incorporating a range of flexible facilities that would be accessible to both the local community and students living in the student studios was considered to be a good alternative which the applicants consider would address policy requirements. The applicants state that more recent discussions have taken place

with the Local Action Team focused on the type of facilities that could be provided within the community hub and how these facilities would meet the needs of the local community.

- 8.18 These explanations provide useful background re the formulation of the application proposal and the timeline relating to the former public house use. The proposal to incorporate a community use into the redevelopment scheme is welcomed and it is of particular benefit that the applicant is seeking to incorporate a use which could provide some of the amenities (e.g. meeting / function rooms, and an informal meeting space / café) which the public house did when it last functioned.
- 8.19 It must however be acknowledged that the public house as a community use would be lost. A public house serves a specific function as it provides a meeting point and a social event for local residents, and specific activities / attractions which a public house can offer may not form part of the replacement use. It is the specific public house use which is/was valued by local residents and it is this use which has been registered as an Asset of Community Value.
- 8.20 The loss of a public house use is however mitigated to some extent if there are other public houses in the immediate area which can serve a similar function. In this case, the nearest public houses to the site are 'The Bear Inn' 400 metres away and 'The Gladstone' 500 metres away, both to the south of the site. These establishments are within walking distance of the application site and may serve to provide many of the amenities which The Lectern previously did in conjunction with these establishments. Whilst it is acknowledged that the community value the Lectern as a public house (and garden) in its own right, the fact that there are remaining public houses within walking distance of the application site makes the loss of the public house a lesser concern than if it were the last such use in an area / neighbourhood.
- 8.21 In that context, it is considered that a replacement community use (other than a public house) could satisfy the requirements of policy HO20 to some extent.
- 8.22 The proposed Community Hub would be located on the ground floor of the building and consists of shared spaces including a café, library, working areas and adaptable meeting rooms. This community hub will be open to both students and the local community. The hub is of a considerable size; 720m² which compares to the existing public house at approximately 400m². It is acknowledged that the hub is likely to be well used by student occupants of the building but it is clear that this space could be of considerable benefit to the community as an amenity, providing an informal meeting place and potential venue for holding events and more formal meetings. Furthermore the potential for students and non-students to share the same space is welcomed and could assist to some extent in forming a more cohesive / inclusive community.
- 8.23 Overall, whilst the loss of the public house and garden, which the community value as a use in itself and have registered as an Asset of Community Value, is regrettable, in this case there are significant mitigating factors in the form of other public houses in close proximity to the application site which remain active, and the Community Hub which is proposed as part of the development. In this context it is considered that the loss of the public house and garden does not warrant refusal in this case. Full details

of the operation of the Community Hub and its retention as a community facility open to the public are recommended to be secured by a Community Use Agreement secured through planning legal agreement.

8.24 The proposed uses

The proposed Community Hub / café

The proposed Community is a welcome element of the scheme and offers some mitigation of the loss of the public house.

8.25 The applicant's submission provides the following description of the envisaged operation of the Hub:

8.26 The key objectives for the Hub are to:-

- Provide a social meeting place for local residents, primarily within the Moulsecoombe and Bevendean wards.
- Integrate the community of students and local residents.
- Create an environment that provides flexible amenities, to meet different needs of students and the local community, that encourage social interaction and collaboration.
- Create a co-working and meeting space for residents who require flexible working facilities.

8.27 The Hub space comprises three meeting rooms, a quiet lounge/library area, dedicated co-working, open plan lounge and a café. This provides a range of freely accessible space providing free WiFi which could be used on a daily basis as a place to meet, alongside rooms that could be available to hire for events, networking activities and use by local groups and clubs. The applicant has considered charge rates to cover overheads for the meeting spaces and anticipate this would be approximately £10 per hour plus VAT for the small rooms and £30 per hour plus VAT for the double rooms. This would include free WiFi and audio visual facilities. Catering for the community meeting spaces would be provided by the cafe and the space would be managed by a specific Hub management company.

8.28 Co-working desks that can be used by students, residential and business community would be available for a daily or monthly fee, depending on usage (there will be no charge to students as this will form part of their tenancy agreement). The lounge would be a soft-seating, more relaxed social area for students, local residents and co-workers. This area would be open to the public and students to encourage a community social and meeting place. The Hub Café would serve hot and cold drinks and light snacks. Initially, the Hub would be open five days a week from 0830 – 1800. Meeting rooms and space can be booked outside of these hours and at weekends on request.

8.29 The philosophy of Hub is to integrate the local community with resident students and offer a place to meet and socialise. The key will be incorporating a work and social space that can be used by different groups in the community. The Hub will also aim to create the Hub Community Initiative, including a volunteer programme with the local community.

- 8.30 It is considered that the description of the proposed café/Hub is that of an appropriate community / public facility which would serve some of the functions which the public house did previously, and the nature of the operation and its retention as a facility open to the community can be secured by planning legal agreement.
- 8.31 **The proposed student accommodation / facilities**
Policies DA3 and CP21 both envisage purpose built student accommodation coming forward along the Lewes Road corridor, primarily on identified site but non-identified sites may also provide suitable locations for such accommodation in close proximity to University teaching accommodation.
- 8.32 Policy CP21 sets out that:
- 8.33 The council will encourage the provision of purpose built accommodation to help meet the housing needs of the city's students.
- 8.34 Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
- 1) Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
 - 2) High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
 - 3) Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 - 4) Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 - 5) Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
 - 6) Schemes should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
 - 7) Permanent purpose built student accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.
- 8.35 Looking at each of these criteria in turn-
- 8.36 As set out below it is considered that subject to the application of appropriate planning conditions / restrictions, the proposed development would have an acceptable impact upon neighbouring amenity.
- 8.37 The development is high density in character; this is considered appropriate in this location having regard to the proximity of existing larger buildings, and to the substantial scheme which has been recently approved at neighbouring sites.

- 8.38 The site is located on a sustainable transport corridor.
- 8.39 Transport impacts are addressed below; in this case the applicant states that students residing in the development would not be permitted to bring cars to the city. The Transport Officer recommends that a contribution be secured towards consultation on / implementation of a Controlled Parking Zone which would address the pressures on resident parking in the area. A similar contribution has been secured in respect of the Preston Barracks / Mithras House scheme. Taking into account the mitigations which would be secured in respect of both schemes it is considered that the development would not lead to an unacceptable increase in on-street parking in the surrounding area.
- 8.40 The proposal has been designed to be safe and secure for its occupants whilst respecting the character of the surrounding area.
- 8.41 The applicants have not entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The requirement for a formal agreement is not however one which is likely to be complied with when an application is at planning stage with the future of the site still uncertain. Furthermore educational providers may not be in a position to commit to take up of accommodation which may not be completed and become available for a considerable period. In a number of cases at other sites in the city where purpose built student accommodation has been approved in recent years a similar circumstance has occurred; it has not proved possible to obtain the formal agreement of an education establishment at planning stage.
- 8.42 The application has received formal support from Kings College, a language School recently set up on Ditchling Road (the former 'Buxton's' site) and has been in discussions with the University of Brighton.
- 8.43 In reality the demand for the proposed student accommodation will only be clear at the point the studios are completed and available for occupation, however having regard to current circumstances in the city it is considered likely that there will be demand from students of establishments in the city including those of the University of Brighton.
- 8.44 Criteria 6 also sets out that the council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively. The application has engaged with an established student accommodation management company, has submitted a draft student management plan, and has confirmed that they are in agreement to the occupation of the student accommodation being restricted by planning legal agreement as has been the case at other sites in the city where purpose built student accommodation has been approved in recent years.
- 8.45 As identified above, No. 6 Pelham Terrace is identified in the Council's Strategic Housing Land Availability Assessment as having the potential to deliver 6 dwellings. Furthermore the site as a whole clearly could deliver a general housing scheme in

excess of 6 units, however in almost all cases where a site is suitable for student housing it will also be suitable for general housing.

8.46 This therefore represents a conflict with criteria 7 of Policy CP21 which states that purpose built student accommodation will not be supported on sites allocated for housing identified as potential housing sites. In this case however the site due to its proximity to University teaching accommodation, fronting on to Lewes Road, is particularly suited to student accommodation. Furthermore, the proposed scheme is of a substantial scale and would deliver significant benefits for the city in the form of a community use, a large number of student units and a small number of housing units. The conflict with criteria 7 is therefore not considered to warrant refusal in this case.

8.47 Overall it is considered that the proposed student accommodation is an acceptable primary use for the site. The site is ideally located for such a use and can make a valuable contribution to the needs of the city in this regard.

8.48 **The proposed housing units**

As detailed above the proposed development would deliver a net gain in housing units and therefore would not conflict with the objectives of policy HO8.

8.49 The proposed flats would provide an acceptable standard of accommodation. The two-bedroom units with one double and one single bedroom are 63-66m² which is in excess of the 61m² minimum set out in Government's 'Technical housing standards - nationally described space standard'. The proposed one-bedroom flat at 49m² is slightly less than the 50m² but would provide an acceptable standard of accommodation. All of the flats would have access to a communal roof terrace, two have private balcony areas, and all would have access to the public facilities in the ground floor café/ Hub.

8.50 As an overall assessment of the principle of development, the loss of three houses, a retail unit, employment use, and in particular a former public house and garden registered as an ACV are acknowledged. The proposed Community Hub/café, student accommodation and facilities, and housing units are however considered to be appropriate uses in this location and considered as a whole would outweigh the loss of the existing uses in this particular instance. The proposed tall building is considered acceptable in design terms as set out below. The principle of development is considered to be acceptable.

8.51 **Design and Appearance**

The site is located in the Lewes Road tall buildings corridor as identified in SPGBH 15 (Tall Buildings), which is centred on this site and the university campus. The development of tall buildings in this location is therefore considered to be acceptable in principle, subject to detailed design and amenity considerations and the effect on views from the South Downs National Park.

8.52 The proposed design has been subject to a period of evolution through pre-application discussions and presentation to Design South East's Design Panel. The design process has also had regard to the scheme proposed at the Preston Barracks / Mithras House sites.

- 8.53 A Townscape, Landscape, Visual, And Heritage Assessment has been submitted, and has been updated following the approval of the Preston Barracks / Mithras House scheme to take into account the cumulative impacts of the application proposal and this approved scheme.
- 8.54 It is considered that the applicants Assessment / study is of a high standard and explores in depth the history of the site, and assesses the importance of the surrounding townscapes, landscapes and design/heritage assets.
- 8.55 The main form of the proposed building would be finished in a light coloured brick over a fully glazed two storey base along the northern half of the plan, set back at an angle at the north-west corner of the building, the entrance to the building sitting below a second floor triangular cantilever. The ground floor level of the building covers almost the entire site (other than the set in corner), the upper floors of the building have an L-shaped floorplate and various elements of the building are set down / back to break up the bulk of the structure and provide a transition to the development to either side of the site on Lewes Road.
- 8.56 It is intended that the light colouration ties the building into its current context, providing a slight variation to the adjacent Pelham Court and picking up on the colour appearance of the larger Deco building and Diamond Works building (now self store). As a variation in colour, a series of horizontal bands are formed from white precast concrete sections, setting out the horizontal order of the building and announcing breaks in the building's geometry. On the ground floor a two storey high curtain walling system with clear glazing announces the main building entrance and provides views into the double height entrance lobby. The framing of the curtain wall components and windows as well as the window reveals would be formed from light bronze coloured aluminium sections. The main entrance into the student housing element of the scheme is expressed through a portal frame in the curtain wall cladding. Clad in concrete on the outside and green tiles on the inside it is intended to provide a visual contrast to the remainder of the building, accenting the entrance and making a reference to the former use of the site as a public house. The same green accent is used on the rear elevation of the building (east elevation) to accent the facade and provide a rhythm akin to the width of a regency terrace.
- 8.57 The proposed building is of a considerable scale, and is of a greater scale than the buildings which immediately surround it; relating more closely in scale to the University of Brighton buildings to the north, and to the buildings proposed under the Preston Barracks / Mithras House scheme. The scheme has however been designed to step down from north to south to relate better to the lower buildings to the south, and the bulk of the building is staggered and articulated. At street level a double height glazed inset corner is proposed which will provide an active frontage and clearly mark the entrance to the building.
- 8.58 The character of the proposed building is in keeping with those approved to the Mithras House car park site alongside.
- 8.59 Were the building to be constructed prior to the development on the Preston Barracks / Mithras House sites coming forward, the proposed building would stand out as a larger building in the street scene, it would however be indicative of the scale of

development likely to come forward on neighbouring sites and would not in itself have a harmful impact upon the street scene.

- 8.60 Should, as is expected, the redevelopment of the neighbouring sites come forward in a relatively short timescale, the proposed building would sit alongside this development and form part of a group of larger buildings which in visual / design terms would be linked to the larger University buildings to the north of the application site.
- 8.61 The submitted Townscape, Landscape, Visual, And Heritage Assessment demonstrates the likely visual impact of the proposed development from a number of viewpoints in the area around the site and beyond in the South Downs National Park. The proposed building would have a significant visual impact from some closer viewpoints; its impact is of a lesser impact from more distanced views such as those from the Park. The verified visuals which show the cumulative impact of the application proposal alongside the buildings which have been approved on the Preston Barracks / Mithras House sites show that the proposal would sit very much in keeping with these schemes in terms of scale and impact.
- 8.62 The Heritage Officer has commented upon the proposal and study and considers that the proposed development would not have a harmful impact upon the heritage assets in the vicinity of the site which include the Roundhill Conservation Area and a number of listed buildings / buildings of local interest.
- 8.63 Overall, whilst the proposed building is of a substantially larger scale than those in the immediate vicinity particularly immediately to the south of the site, it is considered that the proposal is of a high standard of design and would have a positive impact upon the immediate area. Furthermore, the proposed building is likely to be joined by further buildings / development of a similar scale such as that recently approved at the Preston Barracks / Mithras House sites. As detailed below it is considered that more substantial areas of living / green walls than are currently proposed could further improve the visual impact of the proposal and could also address / mitigate other matters of concern
- 8.64 **Standard of Accommodation**
The proposed student studios range from 20m² (single occupancy), up to 34m² for twin occupancy studios and wheelchair accessible studios. Twelve of the proposed units are wheelchair accessible. It is considered that studios of this size for student accommodation, in addition to the communal facilities which are proposed at ground and first floor levels and the terraces proposed, are of a size which would provide an acceptable standard of accommodation.
- 8.65 The submitted Sunlight and Daylight Report demonstrates that the first floor studios to the rear of the building (and hence those above) would benefit from adequate daylight levels. To the northern side of the building no first floor studios are proposed, studios with a northerly aspect are proposed from second floor upwards. These rooms would at present face out over the Mithras House car park and it is considered that adequate spacing (20 to 24 metres) would remain between the proposed building and those approved on

the Mithras site to ensure that were both schemes to be built out the studios would benefit from adequate daylight levels.

- 8.66 In regard to privacy, the windows of the studios would face out towards existing residential development to the east, the Deco building being closest, however due to the L-shaped floorplate of the upper floors of the building an adequate spacing would be retained to ensure that a sense of privacy would be provided. To the east the windows of studios would face over Lewes Road and to the north the windows would face out over the Mithras House car park. Should the Mithras House development be constructed adequate spacing would remain between buildings to ensure a sense of privacy.
- 8.67 As detailed above it is considered that the proposed top floor flats would provide an acceptable standard of accommodation in regard to size, light and outlook, and access to outdoor space, in accordance with policies QD27 and HO5 of the Brighton and Hove Local Plan.
- 8.68 In regard to air quality, the site is situated within an Air Quality Management Area (AQMA) and as such regard is had to policy SU9 which states that planning permission will only be granted for development on a site adjacent to an existing pollution / nuisance generating use and / or within an air quality 'hotspot' or potential 'hot spot' where the effect on the proposed development, its occupiers and users will not be detrimental.
- 8.69 The applicant has submitted an air quality study which assesses pollution levels based upon results taken from two receptors placed at the site; one to the front alongside Lewes Road and one to the rear.
- 8.70 The report concludes that at present, and in the opening year of the proposed development (2018), concentrations annual mean nitrogen dioxide could exceed the National Air Quality Objective level at the ground floor level of the proposed development; however, it is projected that concentrations of nitrogen dioxide would be below the Objective levels on the upper floors, where the residential accommodation would be situated.
- 8.71 The proposed building would however be sited alongside a busy road in an AQMA, and would therefore be subject to some pollution and also to noise nuisance from traffic when windows are open.
- 8.72 It is therefore considered that to ensure a good standard of amenity for future occupiers those with windows facing towards / close to the road should have a fresh air source such as a passive ventilation system which draws air from the rear of the site and does not require opening a window. The applicants submission sets out that the building has been designed as a sealed envelope due to the environmental conditions along Lewes Road. Attenuated air intake and extract louvres integrated into the window assembly and brick cladding is proposed to provide a means of venting the building without the requirement to open windows. It is therefore recommended that full details of ventilation measures, to ensure that a good standard of amenity would be enjoyed by future occupants, should be secured by condition.

8.73 Impact on Neighbouring Amenity:

The proposed building is of a significant scale in comparison to the existing buildings on the site, and the development would therefore have the potential for significant impact upon neighbouring amenity. A Daylight, Sunlight and Overshadowing Report has been submitted to demonstrate the likely impact of the proposed development in these regards.

- The closest neighbouring dwellings to the site are:
- The Deco Building behind (to the east of) the site;
- The dwellings on the west side of Dewe Street to the east of the site;
- The flats above Carpetright, 1 Pelham Terrace to the south of the site.

- 8.74 Whilst it is acknowledged that the building would alter the outlook and enclose views from the properties to the east (Deco Building and rear of dwellings on Dewe Street), and will result in additional windows facing these dwellings, it is considered that adequate spacing would remain to ensure that significant harm would not be caused. Due to the L shaped floorplate of the upper floors of the building a distance between facing walls of 20 metres would be retained.
- 8.75 In regard to the daylight and sunlight which neighbouring windows would receive were the proposed building to be constructed, the submitted report concludes that the development would have a minor adverse impact upon six windows at 1 Pelham Terrace, four of which serve stairwells, and the remaining two relate to two separate flats, therefore each flat would have one window adversely affected.
- 8.76 In regard to the Deco Building, 15 windows would be adversely affected. These 15 windows serve 11 rooms, in four separate dwellings, over three floors. These 11 rooms have been assessed for 'Average Daylight Factor' and most are likely to continue to receive a large amount of daylight, despite the reduction, by virtue of the large windows, high ceilings, but relatively small floor area. However, two of these eleven rooms, a first floor lounge and a ground floor study would receive a reduction in daylight that would be both noticeable and would take the level of daylight below the best practice levels.
- 8.77 In regard to annual probable sunlight hours, only windows which face within 90° of due south require assessment and the report demonstrates that impact upon sunlight hours to these windows would be negligible.
- 8.78 In regard to overshadowing of garden areas, on the 21st of March the proposed building would have some overshadowing impact upon a small number of rear gardens of dwellings on Dewe Road, however this overshadowing would occur after 16.00 and prior to that time the gardens would benefit from good levels of sunlight and would therefore comply with guidelines.
- 8.79 Overall in regard to daylight levels, it is acknowledged that a reduction in daylight levels will be noticeable from two flats at 1 Pelham Terrace and from flats in the Deco building, however almost all rooms affected would retain an adequate level of daylight and taking into account all factors it is considered that the resultant situation

would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

- 8.80 In regard to overlooking, due to the L-shaped floorplate of the upper floors of the building an adequate spacing (20 metres) would be retained to ensure that a sense of privacy for occupiers of the Deco Building would be provided. To the east the windows of studios would face over Lewes Road and to the north the windows would face out over the Mithras House car park. Should the Mithras House development be constructed adequate spacing would remain between buildings to ensure an adequate sense of privacy for residents of the proposed Mithras blocks.
- 8.81 The proposed terrace and balcony areas have the potential to cause overlooking of neighbouring properties. It is considered that the terrace areas to the sixth and eighth floors, to the front of the L-shaped floorplate, are far enough away from neighbouring dwellings to not cause harmful overlooking. The proposed first floor terrace could provide views across to windows in the Deco building and therefore it is recommended that details of appropriate screening be secured by planning condition.
- 8.82 The use of the terrace areas could have a harmful impact upon neighbouring amenity by way of noise disturbance and therefore it is recommended that the use of the terrace areas be restricted to between the hours of 09.00 and 21.00 by planning condition. Furthermore measures for management of the terrace areas should be set out in the student management plan recommended to be secured by planning legal agreement.
- 8.83 In regard to the nature of the proposed use, and the levels of activity, comings and goings, it would cause etc., activity on terrace levels would be restricted by hours of use and management as detailed above, activity in / emanating from studios and flats would be in keeping with surrounding residential development, and comings and goings would be on to Lewes Road which is a busy road with a high level of vehicular and pedestrian activity.
- 8.84 Policy SR12 relates to large (over 150m²) cafes/restaurants/pubs/bars and sets out criteria which such development must comply with. Whilst the proposed café / Community hub is of a considerable size it is likely to function as a low key space to meet / work / relax / socialise. The space will not create an environment akin to a large restaurant or bar therefore in this case it is considered that the criteria of Policy SR12 are not relevant in this case. The management of the student accommodation and Community Hub is to be secured by planning legal agreement and it would not be in the operator's interests to allow the ground floor uses to conflict with the (connected) upper floor residential uses.
- 8.85 Overall it is considered that subject to compliance with recommended conditions and restrictions, significant harm to neighbouring amenity would not be caused and that the scheme would comply with policies SU10 and QD27.
- 8.86 **Trees, Landscaping and Ecology**

The proposed development involves the clearance of the garden area behind the public house and the removal of 3 category 'B' quality trees 2 Sycamore and 1 Wild Cherry which will be felled. In addition there are a number of lesser quality (Category 'C') trees and groups of trees that will also need to be removed which include Pear, Wild Cherry, Rowan and Sycamore. These trees are not subject to Preservation Orders but are partially visible from Lewes Road and from neighbouring properties and are therefore of amenity value. The Arboriculturalist objects to the development due to the proposed loss of these trees.

- 8.87 A substantial redevelopment of the application site is likely to require the removal of trees. In this case due to the nature of the proposed development, with almost complete plot coverage at ground floor level, it is not possible to propose replacement tree planting within the site. The possibility of securing on-street tree planting has been explored however the Transport Officer has advised that the surrounding pavements do not provide suitable locations for such planting.
- 8.88 In this context the only mitigation for the loss of trees which can be provided on site is through planting to the proposed roof terrace areas, living/green walls and green roofs (sedum). It is considered that the building, particularly to the south and south west facing upper floor elevations, provides an opportunity for a more substantial level of living/green wall planting than is proposed under the application submission. It is considered that a more substantial level of planting is required to make a significant visual impact in the street scene / wider area, and to appropriately mitigate for the loss of trees which is proposed.
- 8.89 It is of importance that high quality planting to the proposed areas and additional areas is secured to mitigate the loss of trees to come extent, along with a scheme of ecological enhancements to work towards mitigating the loss of trees which is proposed, meeting the objective of delivering a net gain in biodiversity terms through all new developments, improving air quality in the AQMA and to ensure compliance with policies DA3, CP8, CP10, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, policies SU9 and QD5 of the Brighton and Hove Local Plan, and the guidance set out in SPD11 'Nature Conservation and Development'.
- 8.90 In regard to protected species bat surveys have been carried out which demonstrated a low level of activity and indicate that significant numbers of bats roosting within the site are unlikely. On this basis the Ecologist recommends a precautionary approach is taken to demolition whereby potential features are soft stripped by hand under ecological supervision. Details of appropriate external lighting should be secured to ensure harm is not caused, and mitigation measures in the form of bat boxes and/or bricks should be provided on site as recommended in the submitted bat survey.
- 8.91 **Sustainable Transport**
The proposed development comprising a large number of student studios, a café / Community Hub and five residential units, will generate a substantial number of trips, beyond those the existing uses on the site generate. Furthermore residents and staff may choose to drive to the site which would generate additional demand for on-street parking as no vehicular parking is proposed on site. The site cannot provide any disabled parking provision.

8.92 The following factors are however noted in the proposals favour:

- The application site is located on a sustainable transport corridor with very good bus services, cycle lane infrastructure and good access to Railway Stations (Brighton, London Road and Moulsecoombe).
- It is proposed that students would not be permitted to bring a car to the city as this would be restricted in their tenancy agreement (it is however considered that such a restriction is difficult to enforce)
- The provision of 136 internal resident cycle parking spaces plus 18 external visitor spaces
- A clear legible main pedestrian entrance and secondary pedestrian access points providing access to the café and Community Hub, and the introduction of a strong active frontage.

8.93 In addition it is recommended that the following be secured by planning conditions / legal agreement:

- Full details of cycle parking provision
- Reinstatement of continuous pavement in front of the development (removal of redundant vehicular access / dropped kerb)
- Travel Plan measures
- Student Management Plan – the need to produce a Student Management Plan which includes full details of the move in/move out strategy
- CEMP – The need to produce a Construction Environmental Management Plan. The plan should look at ways of limiting the impact construction has on the road network.
- S106 Contribution – A S106 contribution of £80,000 which shall go towards public transport and CPZ consultation / implementation.

8.94 Overall, subject to securing these measures and mitigations the scheme is considered acceptable in regard to transport considerations.

8.95 **Sustainability, air quality and drainage**

In regard to sustainability measures, the scheme incorporates strategies including passive design measures; heating strategy based on Gas CHP (20Kw) providing onsite heating provided through a communal system, with energy plant that will have capacity for connection to a heat network; MVHR; and efficient thermal building fabric. In addition the scheme proposes approaches to increase biodiversity and address urban heat island with green walls and green roofs. Sustainable drainage systems are proposed.

8.96 The scheme could however have been improved by incorporation further measures such as production of renewable energy.

8.97 Overall subject to securing energy and water consumption standards for the proposed residential units, and a BREEAM rating of 'Excellent' for the remainder of the building, it is considered that the proposed development adequately addresses policy CP8.

8.98 It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. In this case the proposed development is 'car-free' and measures are to be secured to encourage use of sustainable transport modes. In addition, significant areas of planting are proposed to terrace areas, flats roofs and walls, and as details above it is considered that substantially increased areas of living / green walls are required to mitigate the loss of trees which is proposed. This planting will help to improve air quality in the area around the application site and address policies SU9 and DA3.

8.99 In regard to drainage, the site presents a challenge as the proposed building covers almost the entire site at ground floor level. Furthermore the site is within a ground water source protection zone. A sustainable Drainage Assessment Report has been submitted which sets out proposals for surface water drainage strategies and includes a storage of around 75m³ for storm water to be provided in an attenuation tank. The Flood Risk Management Officer has recommended that full details of the proposed drainage strategy and systems be secured by planning conditions.

8.100 **Archaeology**

The proposals will impact archaeological remains relating to extant historic buildings, below ground remains relating to former buildings on this site, below ground remains relating to earlier occupation of this area of Brighton. The existence of a Wesleyan chapel raises a potential for human burials. It is therefore recommended that a programme of archaeological works be secured by planning condition. It is of importance that no demolition commences before an archaeological written scheme of investigation is agreed.

9. CONCLUSION

9.1 The proposed development would provide 189 student studios which represent a substantial contribution towards the need for purpose built student housing in the city. The site is ideally located for such development being in close proximity to University teaching accommodation, on a main road / sustainable transport corridor. The development would also provide five residential units, a café and active frontage, and a Community Hub providing formal and informal meeting space and facilities.

9.2 The proposed building is considered to represent a high quality design which would have a positive impact upon the Lewes Road street scene.

9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:

- The long term availability and retention of the Community Hub facilities;
- Cycle parking provision and travel plan measures;
- Sustainable transport infrastructure Improvements;
- Funding towards a CPZ consultation / implementation;
- Compliance with sustainability standards and access standards;
- Green roofs and walls, landscaped terrace areas and scheme of ecological improvements;

- An Artistic component
- Contributions towards open space / sports provision, and the Council's Local Employment Scheme.

9.4 The scheme would result in the loss of a former public house and garden which is valued by the community and has been registered as an Asset of Community Value. A number of trees to the rear of the Public House would also be lost. The proposed building is of a considerable scale and would have an adverse impact upon the amenity of some neighbouring occupiers due to a loss of daylight to a number of windows, although these impacts have been fully assessed and it is considered that the loss of daylight would only be at a harmful level in a small number of cases.

9.5 Overall, whilst the scheme would cause harm in some respects, these concerns have been fully assessed, and overall it is considered that the scheme would deliver substantial benefits and that the concerns identified do not warrant refusal in this case. Approval is therefore recommended subject to the conditions and s106 requirements set out in sections 1 and 10.

10. EQUALITIES

10.1 The proposed residential units would meet optional building regulations standards for accessibility. Twelve of the proposed student studios are wheelchair accessible units which equates to 6% of the student units overall.

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 £80,000 contribution to sustainable transport infrastructure to be allocated towards the following:

- Shelter and Real Time Passenger Information sign at Bottom of Coombe Road bus stop Meadow View bound
- Shelter, Real Time Passenger Information sign and accessible kerb at Bottom of Coombe Road bus stop City Centre bound
- Consultation and implementation on a Controlled Parking Zone in the local vicinity and implementation if supported by local residents

10.4 A scheme of Travel Plan measures which should include:

- Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
- Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
- Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
- Provide local public transport, walking and cycling maps.

10.5 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £241,671 to be allocated to the following:

- Children's' Play - Saunders Park and or Hollingbury Park; William Clarke Park
- Parks Gardens/Natural Semi Natural/Amenity - Wild Park and/or Stanmer Park; Woodvale
- Outdoor Sport - Wild Park and/or Stanmer Park; Saunders Park
- Indoor Sport - Moulsecoomb Leisure Centre
- Allotments - Old Water Works and/or Moulsecoomb

10.6 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £18,900 plus a commitment to 20% local employment for the demolition and construction phases.

ITEM B

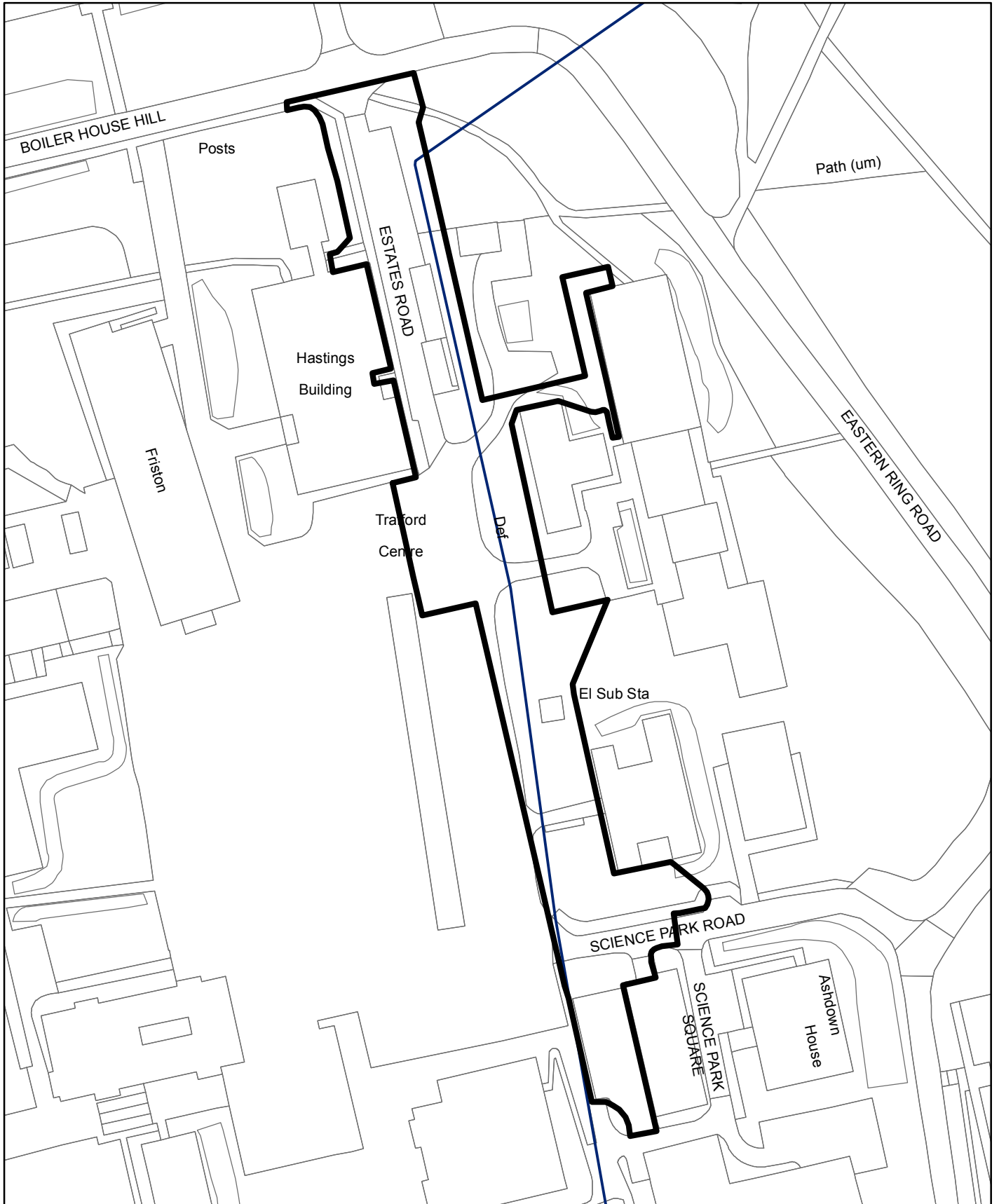
**University Of Sussex, Refectory Road,
Brighton**

BH2017/02863

Reserved Matters

DATE OF COMMITTEE: 13th December 2017

BH2017/02863 University of Sussex, Refractory Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02863	<u>Ward:</u>	Hollingdean & Stanmer Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	University Of Sussex Refectory Road Brighton		
<u>Proposal:</u>	Reserved matters application pursuant to outline permission BH2013/04337 for approval of appearance, landscaping and layout relating to new access road between Boiler House Hill and Science Park Road.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	24.08.2017
<u>Con Area:</u>	Adj Stanmer Park	<u>Expiry Date:</u>	23.11.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.12.2017
<u>Agent:</u>	Parker Dann Ltd S10 The Waterside Centre North Street Lewes BN7 2PE		
<u>Applicant:</u>	University Of Sussex C/O Bramber House Refectory Road University Of Sussex Falmer BN1 9QU		

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	LUC-6793-LD-PLN-004	B	24 August 2017
Block Plan	LUC-6793-LD-PLN-006	A	24 August 2017
Sections Proposed	LUC-6793-LD-SEC-001		24 August 2017
Arboricultural Report	LUC-6793-LD-PLN-211	tree removal plan	24 August 2017
Site Layout Plan	LUC-6793-LD-PLN-099	B	24 August 2017
Landscaping Proposed	LUC-6793-LD-PLN-111	C	17 October 2017
Landscaping Proposed	LUC-6793-LD-PLN-112	C	17 October 2017

2. The development shall be carried out in accordance with the ecological mitigation measures set out in the University of Sussex – Phase 2 Infrastructure, Access Road Ecological Appraisal by LUC, October 2017 received on 17 October 2017.

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

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 the University of Sussex campus which occupies around 100 hectares of parkland at Falmer, at the foot of the South Downs National Park. The campus sits within a valley with the A27 to its south. The South Downs National Park climbs to the north and east of the campus. To the west lies Stanmer Park, which is a Grade II registered historic park and garden.
- 2.2 The University was designed by Sir Basil Spence in the 1960s and was the first of seven new post war universities in the country. Sir Basil Spence prepared the masterplan in 1959 and the first buildings were ready for occupation in 1962. Ten of the University's original buildings have been listed, all of which are based around Fulton Court (nine at grade II* and Falmer House at grade I). These determine the general character, architectural tone and presence of the campus. Similarly, the landscape, designed by Spence in consultation with Dame Sylvia Crowe, plays an equally important role to the buildings in setting the tone and character of the campus. The listed buildings, essentially the core of the campus, have a very high degree of architectural significance in their careful contextual design and materials and historic significance in relation to the campus as a model of educational organisation.
- 2.3 The proposal relates specifically to a new access road between Boiler House Hill and Science Park Road. The scale and means of access were approved under outline application BH2013/04337 for the wider university masterplan, which was allowed at appeal in 2015. This application seeks approval of reserved matters in respect to the appearance, layout and landscaping of the access road.
- 2.4 It is noted that the majority of the access road lies outside the local planning area of Brighton & Hove City Council and falls within the jurisdiction of Lewes District Council.

3. RELEVANT HISTORY

BH2016/01004 - Reserved matters application for approval of appearance, landscaping and layout in relation to 'Phase 1 - East Slope' development which includes 1,868 student bedrooms and ancillary accommodation, pursuant to outline approval BH2013/04337 (Demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works). Approved 9 August 2016.

BH2013/04337 - Outline application with some matters reserved for demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works. Matters for approval include layout, access and scale. Matters reserved are appearance and landscaping. (*Layout subsequently reserved at appeal*) Appeal allowed 30 July 2015.

Lewes District Council

LW/17/0739 - Approval of reserved matters LW/14/0006 for new access road between Boiler House Hill and Science Park Road. Approved 3 November 2017.

4. REPRESENTATIONS

4.1 No representations have been received.

5. CONSULTATIONS

5.1 Internal

Heritage: No objection

This road will link through to the new road and access ways being developed on East Slope to the north, as part of the new pattern of movement across the campus, and it will be important to ensure a consistency of hard surface materials. The East Slope materials previously approved were intended to be sympathetic to the original paving materials used by Sir Basil Spence (which were primarily tarmac and smooth grey concrete slabs). This application proposes textured concrete slabs and textured concrete blocks in a two-tone grey finish. The pavers and blocks approved for East Slope have a smooth finish – they were Charcon 'British Standard Paving' in grey and Charcon Europa block paving in grey. These materials should therefore also be used for this road. The kerbs should also be smooth concrete. Seek amendments.

5.2 Comments on the revised details

It is confirmed that the revised landscape drawings for the access road satisfactorily address the previous concerns and approval is therefore now recommended.

5.3 **Arboriculture:** No objection

The Landscape report and plan submitted by LUC Drawing number LUC-6793-LD-PLN-111 Issue C and LUC-6793-LD-PLN-112 Issue C are considered acceptable. The 3 tree species selected (Field Maple, Beech and Whitebeam) are all suitable and should thrive in the local conditions.

5.4 The Arboricultural team therefore recommends that the landscaping condition is discharged.

5.5 **Sustainable Transport:** No objection

There are no aspects of the proposed layout of the road that warrant a reason for refusal however the following recommendations are based on guidance and best practice for the applicant to consider (as the road is on private land these are suggestions only):

- Include appropriate tactile paving to assist pedestrians crossing the proposed road at the bell mouth on the existing tarmac footpaths,
- Provide delineation within the shared space road as a tool to assist blind and partially sighted people navigate their way safely,
- Build the road to an adoptable standard.

5.6 **Environmental Health:** No comment

5.7 **Planning Policy:** No Comment

5.8 **External**

Natural England: No Comment

5.9 **South Downs National Park (SDNP):** No Comment

5.10 **Highways England:** No comment

5.11 **Historic England:** No comment

5.12 **Lewes District Council:** No objection

5.13 **Sussex Police:** No comment

5.14 **Southern Water:** No objection

No objection subject to measures to protect the existing infrastructure.

5.15 **The Gardens Trust:** No comment

5.16 **County Ecologist:** No objection

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. Habitats have remained unchanged since the ecological assessment undertaken in 2013 for the outline application. As such, no additional impacts are foreseen.

- 5.17 Two trees in the south of the site have been identified as having high bat roost potential. As these will be unaffected by the works, no specific mitigation is required.
- 5.18 The measures proposed in sections 4.13 to 4.14 of the updated Ecological Appraisal to protect badgers are appropriate and should be implemented.
- 5.19 The proposed development is considered unlikely to have any impacts on any other protected species and therefore no specific mitigation is required. If protected species are encountered during works, works should stop and advice should be sought from an ecologist on how to proceed.
- 5.20 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. The landscape plan submitted with the application is in line with the wider site masterplan and is considered appropriate.
- 5.21 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council meet its duties and responsibilities under the NERC Act and NPPF.
- 5.22 **UK Power Networks:** No objection

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
DA3 Lewes Road Area
CP7 Infrastructure and developer contributions
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR15 Cycle network

SU3 Water resources and their quality
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU11 Polluted land and buildings
QD15 Landscape design
QD27 Protection of amenity

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to design and appearance, ecology, landscaping and sustainable transport.

8.2 Background

Outline planning permission under reference BH2013/04337 was granted on appeal in July 2015 for demolition of existing buildings and the construction of new buildings to provide new academic facilities (Use Class D1) of circa 59,571m², 4,022 new student accommodation bedrooms (C1), and a new mixed use building of circa 2,000m² providing A1, A3, A4, C1, and D1 uses, incorporating new pedestrian, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure, and associated works, with appearance, landscaping, and layout matters reserved for later consideration. Matters concerning access and scale of development were approved within that decision.

8.3 This planning application concerns the remaining reserved matters of appearance, landscaping and layout as they relate to one element of the development proposed in the outline planning permission, namely a shared access road linking Boiler House Hill with Science Park Road within the campus.

8.4 Design and Appearance:

The siting and scale of the proposed shared space access road is unchanged from the road layout that was approved under the earlier outline application. Details have been provided which show the layout / construction materials of the road and the associated landscaping. Revisions to the materials have been secured during the life of the application to ensure the overall appearance and landscaping matches that of the east slope development and the earlier road layouts on the campus to ensure that a consistent approach is retained throughout the site. The proposed access road and associated landscaping would not harm the visual amenity of the site of the wider area.

8.5 Overall, the proposal is considered acceptable in regards to design and appearance in accordance with policy CP12.

8.6 **Arboriculture**

The siting of the road and associated landscaping will necessitate the removal of a number of trees. The principle of the loss of the trees was approved under the original outline application subject to appropriate mitigation. The current application provides details of the species and siting of the replacement trees. The Arboriculture Team are satisfied with the details and the proposal is considered to be acceptable in this regard.

8.7 **Sustainable Transport**

The layout of the road and associated landscaping follows a consistent approach that has been used throughout the campus. The Highways Officer is satisfied with the submitted details and the proposal is acceptable in regards to highway safety and the aims of sustainable transport.

8.8 **Ecology**

The ecology impacts and required mitigation has not changed significantly since the original masterplan application was approved in 2015. The County Ecologist is satisfied with the submitted details and the proposal is acceptable in regards to ecology.

8.9 **Conclusion**

The application details relating to appearance, layout and landscaping are considered acceptable and approval is recommended.

9. **EQUALITIES**

9.1 The proposed road includes features to aid less mobile pedestrians and road users including ramped access points and disabled parking areas.

ITEM C

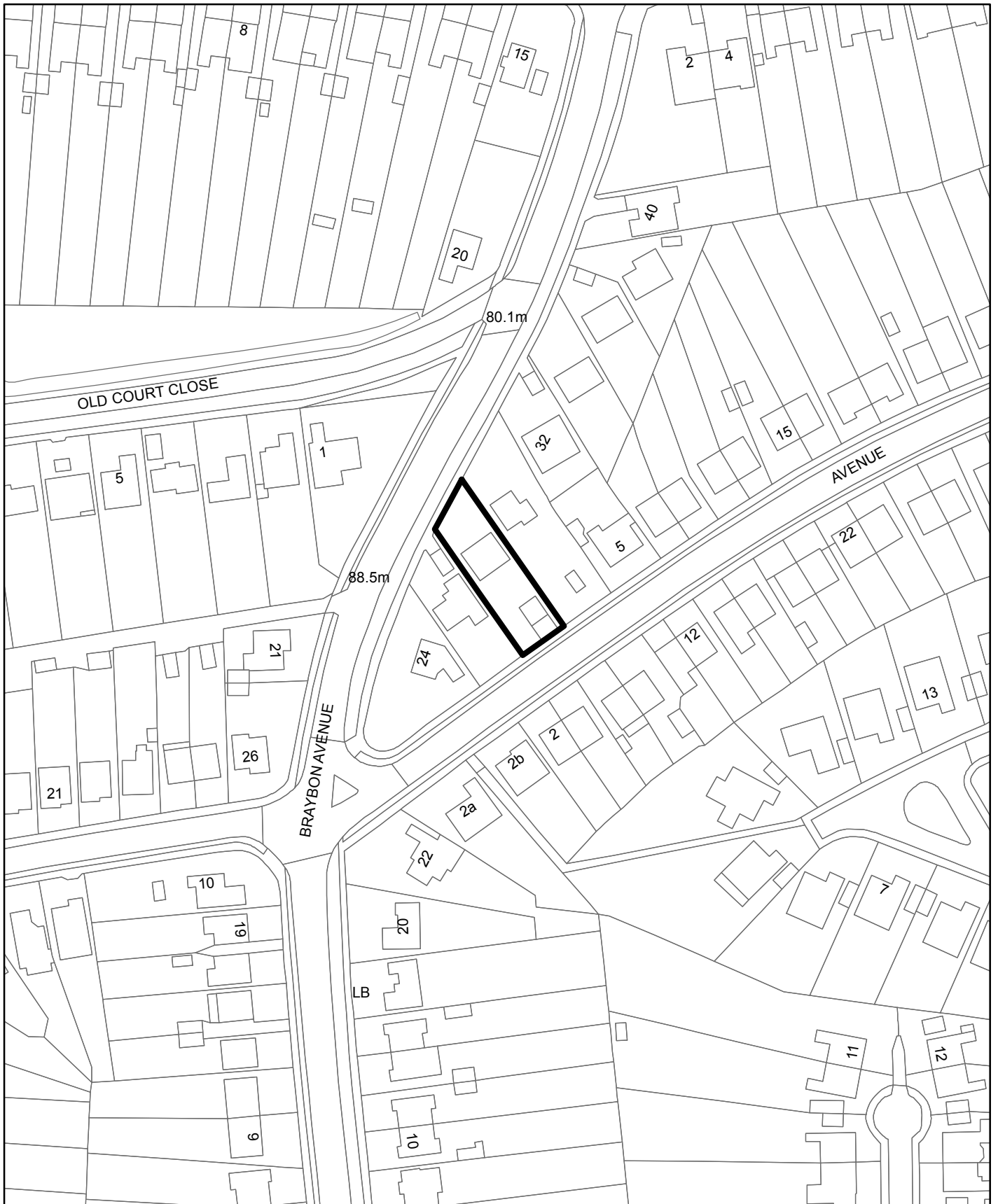
28 Braybon Avenue, Brighton

BH2017/02745

Householder Planning Consent

DATE OF COMMITTEE: 13th December 2017

BH2017/02745 28 Braybon Avenue, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02745	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	28 Braybon Avenue Brighton BN1 8HG		
<u>Proposal:</u>	Erection of single storey rear extension. Demolition of existing detached garage at rear and erection of new garage to front. Erection of single storey studio in rear garden.		
<u>Officer:</u>	Ayscha Woods, 292322	tel:	<u>Valid Date:</u> 21.08.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.10.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.12.2017
<u>Agent:</u>			
<u>Applicant:</u>	Mrs Kerry Bush 28 Braybon Avenue Brighton BN1 8HG		

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	PR-PL-01	A	28 September 2017
Floor Plans Proposed	PR-PL-01	B	6 November 2017
Elevations Proposed	EX-PR-EL-01	C	6 November 2017
Sections Proposed	EX-PR-SE-01	C	6 November 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 Access to both the roof of the rear extension and the studio roof hereby approved shall be for maintenance or emergency purposes only and the roofs shall not be used as roof gardens, terraces, patios 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that this permission relates solely to the use of the approved outbuilding as incidental to the main dwellinghouse at 28 Braybon Avenue. Any use as a self-contained unit of accommodation is not permitted and would require a separate application for planning permission.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a detached dwelling located to the south side of Braybon Avenue. The rear of the site backs on to Woodbourne Avenue. The site is situated on land which slopes steeply down to the north. There is an existing single storey garage located to the rear of the site with a subterranean garden room below which cuts into the existing land slope. The existing structure faces on to Woodbourne Avenue and is set back from the boundary with a driveway.
- 2.2 Permission is sought for the erection of a single storey rear extension, the demolition of existing detached garage at the rear and the erection of a new garage to the front with associated landscaping. A single storey studio in the rear garden is also proposed.

3. RELEVANT HISTORY

- 3.1 None relevant

4. CONSULTATIONS

- 4.1 None

5. REPRESENTATIONS

- 5.1 Five (5) letters have been received objecting to the proposed development on the following grounds:
 - Inaccurate and inconsistent plans
 - Scale of outbuilding too large and out of character with area
 - Proximity of the outbuilding to Woodbourne Avenue streetscene
 - Overlooking and loss of privacy from studio roof, and rear extension roof if used as a raised terrace
 - Proposed outbuilding built on the boundary
 - Noise disturbance from the proposed garage to the front and shingle
 - Rear extension obstruct views
 - Noise disruption from construction traffic

- 5.2 It is noted that there were originally seven (7) letters objection. One letter was withdrawn throughout the application and two letters were received from the same person and therefore represent a single objection.

6. **RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

7. **CONSIDERATIONS & ASSESSMENT**

- 7.1 It is noted that a number of objections have been received noting inconsistencies and a lack of clarity with the plans submitted and the existing arrangement at the application site. In addition, due to lack of clarity provided under the original plans, objections have been received with regards to the scale and height of the proposed outbuilding, its positioning up to the boundary and the impact on the Woodbourne Avenue streetscene to the rear.
- 7.2 Amendments were received throughout the course of this application addressing the concerns. Following the amendments the drawings are considered to accurately represent the existing application site and that which is proposed. In addition, the drawings clearly detail that proposed outbuilding would in fact be lower than the existing garage structure.
- 7.3 **Design and Appearance**
The existing garage measures 2.8m in height above ground level adjacent to Woodbourne Avenue street level. There is an existing subterranean garden room below the garage, and given the sloping landscape of the site, the existing structure measures a total height of 4.8m. The proposed new studio outbuilding would have a pitched roof with a maximum height of 0.3m above the ground level adjacent to Woodbourne Avenue street level. As such, whilst the outbuilding would be set closer to the boundary than the existing garage, the building would have a reduced impact on the Woodborne Avenue streetscene, with the majority of the building below the streetscene ground level and would be sufficiently screened by new fencing along the rear boundary. The scale and height of the outbuilding is considered acceptable.
- 7.4 There is an existing subterranean garden room situated below the existing garage structure. A site visit to the property confirmed that this space was currently in use as a small garden studio incidental to the main dwellinghouse.

The plans detail the proposed outbuilding as a 'Studio'. It has been confirmed that the studio would be for use incidental to the main dwellinghouse.

- 7.5 Whilst it is noted that the outbuilding proposes a small kitchenette and WC, given that the proposed outbuilding would have large sliding doors across the front, it would not be suitable for use as a habitable room. In addition, given the limited size of the outbuilding proposed, it would not be large enough to provide space to be used in a way which would not be incidental to the main dwellinghouse. Furthermore, there is existing access from the rear garden to Woodbourne Avenue. The proposed access down from the roof of the proposed outbuilding would not introduce a new access. As such, the proposed outbuilding is considered acceptable in this instance.
- 7.6 The proposed rear single storey extension would measure 4.4m in depth and 2.8m in height and is considered a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.
- 7.7 The proposed garage to the front elevation would be similar to the garage and associated landscaping visible to the adjacent neighbouring property no. 26 to the west. As such the garage and landscaping to the front elevation is acceptable.
- 7.8 **Impact on Amenity:**
Concerns have been raised with the potential for the studio roof to be used as a raised terrace. Amendments were made throughout the course of the application removing the usable terrace from the studio roof.
- 7.9 In addition it is was noted that the original plans showed doors at first floor level out to the roof of the proposed single storey rear extension. This has also been removed from the proposed plans.
- 7.10 A suitable condition is attached to ensure the roofs would not be used for any amenity purposes.
- 7.11 **Other matters**
An objection has been received with regards to noise disturbance. The landscaping to the front with off-street parking would not result in an unacceptable level of noise disturbance. In addition, noise disruption from construction traffic does not form a material consideration in the determination of this application.

8. EQUALITIES

- 8.1 None identified

ITEM D

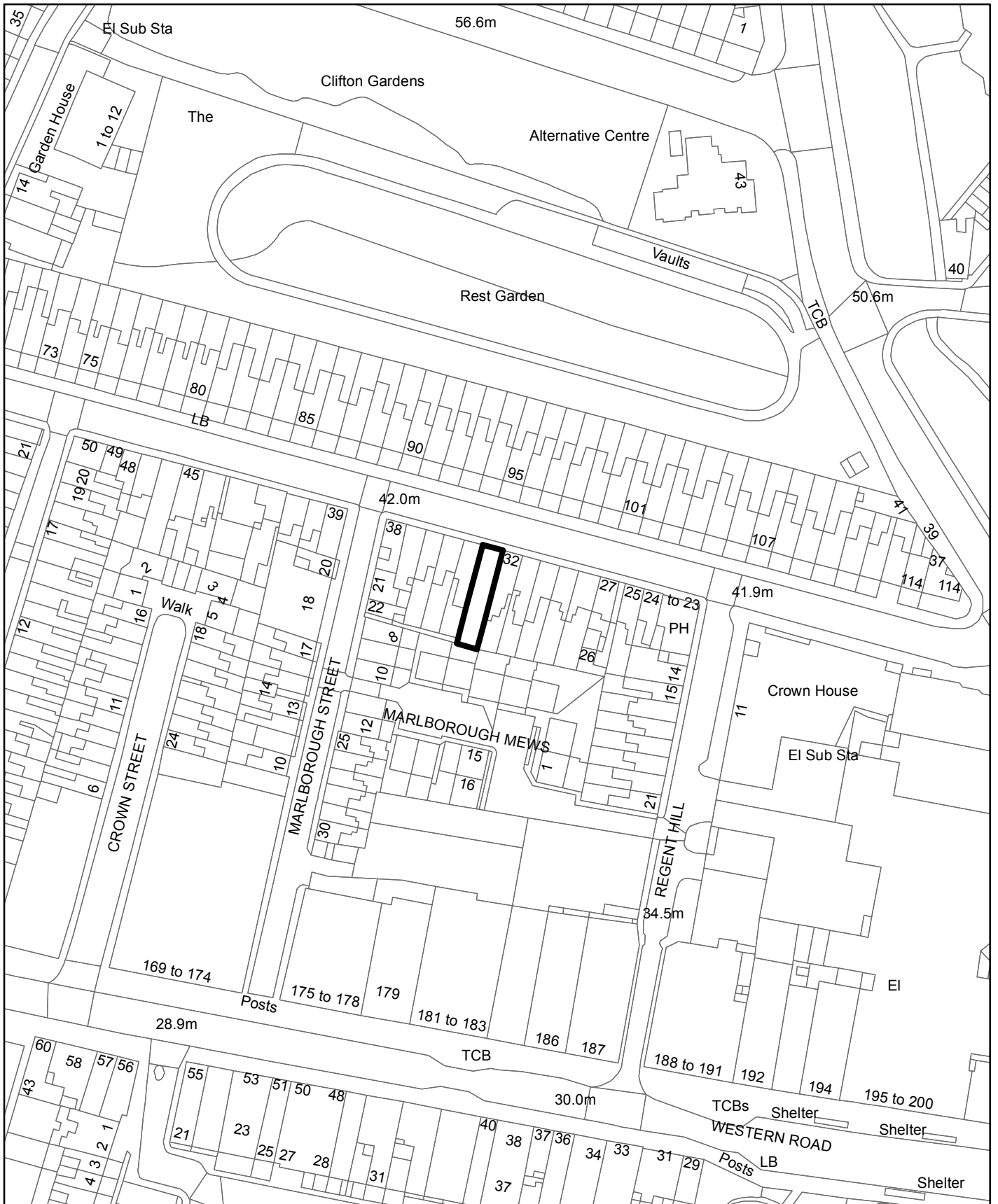
33 Upper North Street, Brighton

BH2017/02113

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/02113 33 Upper North Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02113	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	33 Upper North Street Brighton BN1 3FG		
<u>Proposal:</u>	Change of use of tattoo studio (Sui Generis) to leisure use as escape rooms (D2).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	22.06.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	17.08.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	DOWSETTMAYHEW Planning Partnership 63A Ship Street Brighton BN1 1AE		
Applicant:	Phil Harris C/o Agent Anthony Foster 63A Ship Street Brighton BN1 1AE		

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			22 June 2017
Floor Plans Proposed			22 June 2017
Floor Plans Proposed			22 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. No development shall commence until a scheme for the soundproofing of the building 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 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.
4. The premises shall be used as an escape room (Use Class D2) only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan

- 5 The use hereby permitted shall not be open to customers except between the hours of 10am-8pm Monday-Sunday.

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

- 6 The development shall be implemented in accordance with the submitted Noise Management Statement received on 29 November 2017, and shall maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties 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 The applicant is advised that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to the basement and ground floor of a three storey mid-terraced property on the southern side of Upper North Street which is within the Montpelier and Clifton Hill Conservation Area.

- 2.2 Since 2007, the property has been in use as a tattoo studio (Class Use Sui Generis) and is currently vacant. The upper floors are in use as a residential maisonette (33A Upper North Street) which has a separate entrance within the shopfront.

- 2.3 The southern side of Upper North Street is a mixture of commercial and residential uses at ground floor level, with the northern side residential. Commercial properties are primarily retail with a number of A4 and A5 premises also present.

- 2.4 Planning permission is sought for the change of use of tattoo studio (Sui Generis) to leisure use as escape rooms (D2).
- 2.5 During the course of the application, the applicant submitted a Noise Management Statement, and proposed to reduce the opening hours, to now close at 20.00 Monday-Sunday.

3. RELEVANT HISTORY

BH2007/01158 Change of use of ground and lower ground floors from A1 retail to tattoo parlour (sui generis) - Approved 10/07/2007

4. REPRESENTATIONS

4.1 Eleven (11) letters have been received objecting to the proposed development for the following reasons:

- Use is not suitable in this predominantly residential area
- Proposed use would result in excessive noise and disruption
- Would attract ant-social behaviour
- Large groups of people in comparison to a shop
- Congestion on footpath
- Opening hours will increase in the future
- Increase the parking problem
- Loss of viable retail unit
- Works without planning permission are taking place on the upper floor flat

4.2 One (1) letter has been received supporting the proposed development for the following reasons:

- Upper North Street has a mixture of commercial and residential uses
- Proposed noise would not cause any more noise and disturbance than the nearby shops and pub
- Would contribute to the city economy

4.3 One (1) letter of comment has been received commenting as follows:

- Opening hours should be reduced to 9pm

5. CONSULTATIONS

5.1 **Sussex Police:** Comment

Sussex Police do not have any concerns over the design and layout of the application other than to recommend that all existing external doors and windows are checked to ensure they are adequate and fit for purpose, with locks that conform to BS 3621 / BS 8621 as a minimum standard.

- 5.2 The opening times are given as 10:00-22:00 daily. According to the planning statement accompanying the application, there could be some 30 plus persons with the property at any given time. Due consideration should be given so that the proposed timings do not negatively impact upon the amenity of the immediate residents. (NB – this opening time reflects the scheme as originally submitted but was reduced to a closing time of 20.00 Mon-Sun during the course of the application).
- 5.3 **Environmental Health: Comment**
The application is for the change of use from a tattoo studio to Escape Rooms in Upper North Street, Brighton which will be open from 10:00am until 10:00pm. Upper North Street is a mixed residential / commercial area.
- 5.4 Escape rooms attract groups of people coming for a social event full of high spirits and there is the potential for large groups of people waiting outside to create a noise disturbance. It is noted there have been objections to the application on the grounds of noise. There is a lobby area where customers could wait until they enter the games areas. It is suggested that there are conditions to prevent groups congregating outside and soundproofing inside to prevent noise from activities inside causing a noise disturbance to neighbouring residents
- 5.5 **Sustainable Transport: No objection**
Recommended approval as the Highway Authority has no objections to this application.
- 5.6 The proposed change of use from a tattoo parlour (Sui Generis) to a leisure use as escape rooms (D2) may result in additional trips to the site however, it is not considered that this will have an adverse impact upon surrounding highway and transportation networks in this instance.
- 5.7 The applicant appears to be proposing no cycle parking. However it is unlikely that such parking could be provided due to site constraints and therefore the Highway Authority does not wish to object on these grounds.

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
 CP4 Retail provision
 CP9 Sustainable transport
 CP15 Heritage
 CP17 Sports Provision
 CP18 Healthy City

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
 QD27 Protection of amenity
 SR8 Individual shops
 HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application are the principle of the change of use together with the impact of the proposed activities on the neighbouring properties, and traffic implications.

8.2 There are no external alterations proposed under this application. Therefore the development is not considered to have an impact on the street scene or the wider Montpelier and Clifton Hill Conservation Area

8.3 **Planning Policy:**

The site is not part of the regional shopping centre, but is in close proximity to it. Over time some of the commercial units in this part of the street have been converted into residential uses. Although not an A1 or A3 use, it is accepted that the existing use of the site makes a contribution to the vitality of the street and the wider city centre.

8.4 The existing tattoo studio use (Sui Generis) is not protected by any local policy and the principle of its loss is considered acceptable in this instance, providing

the new use would also contribute to pedestrian activity and encourages combined visits.

- 8.5 The proposed D2 recreational use is considered by the NPPF to be a main town centre use. The proposed D2 use would be a leisure use in the form of an escape room. The use would comprise 160sqm of floorspace which is split over the lower ground and ground floor. The proposal would provide employment for up to 5 full-time persons.
- 8.6 The facility would consist of a number of different game rooms. The applicant sets out that the escape room provides opportunity for teams of between 2-6 people to complete a series of puzzles that then allows access into the next rooms which would last 60 minutes per game.
- 8.7 The proposed layout would include a front reception and lobby area at the ground floor front entrance, and then four game areas which are each split into different rooms. There are two rooms for Game 1 on the ground floor and then a staff office at the rear of the ground floor. There are two access stairs which lead down to the lower ground floor level. A small staircase provides access to a central part of the lower ground floor. The second main staircase is to the rear of the ground floor and leads to the rear area of the Lower Ground Floor. The lower ground floor is divided up into individual rooms for the other three games, and a staff room.
- 8.8 The proposal would introduce a non-seasonal leisure use within the city which would generate employment. The proposed use would retain the shopfront window and so would continue to provide an active frontage for passers-by. Thus, it will generate a certain level of activity and help maintain the vibrancy of the area.
- 8.9 Overall, it is considered that the principle of the change of use to D2 is considered acceptable. The impact on neighbouring amenity is considered below.
- 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.
- 8.11 Upper North Street comprises a mix of commercial and retail units and in this context the proposed use would not be out of character with the surrounding area. The application site is in a predominantly residential part of the street, although there are other commercial uses in close proximity to the site and further along the street. The existing tattoo studio and nearby retail uses are likely to provide a relatively low level of pedestrian activity. The nearby public house to the east of the site results in a higher level of activity from comings and goings of pedestrians, including at later times in the evening.

- 8.12 It is expected that the proposed D2 use, which involves games for groups of people, would mean more comings and goings to the site. This is likely to generate some noise impact in addition to disturbance associated with the general movements and activity from users of the site. There have been public objections received to the application, particularly in respect of increased noise and disturbance.
- 8.13 During the course of the application, the applicant has submitted a Noise Management Statement, which details the actions that will be taken during opening hours to limit the impact of noise and disturbance. The proposed opening hours, which were amended during the course of the application, are 10am-8pm Monday-Sunday.
- 8.14 Within the Noise Management Statement, the applicant states that start time of the four games will be staggered, so no more than two teams would arrive at any one time (a maximum of 12 people). The applicant has also provided occupancy statistics from other escape room operators, which suggests that in most bookings, the groups of people are unlikely to be at maximum levels, and not all rooms are likely to be booked at the same time, especially during weekdays.
- 8.15 The proposed layout provides a lobby area where customers could wait until they enter the game rooms. Although it cannot be assured that this would stop groups of people from standing outside on the highway, a provision of seating space in the lobby would limit the necessity to do this, potentially only for short periods when arriving or waiting to leave the site.
- 8.16 The proposed D2 use could have the potential to disturb adjoining residential occupiers from sound transmission. There is an existing residential maisonette on the upper floors of the application property and adjoining on either side.
- 8.17 The proposed use as an escape room is not likely to result in activities that would be considered to be excessively noisy, and would not involve loud equipment or machinery. Excessive physical movement from customers that would have the potential to cause noise vibrations that would be expected with other types of D2 use are considered unlikely here.
- 8.18 The applicant has stated that low level music will be played to help player immerse themselves into the situation and surroundings. The sound will be limited to background noise only and no high volume sound effects will be used.
- 8.19 The Environmental Health Team has recommended that details of soundproofing should be secured in order to avoid noise impact on the adjacent uses within the building. A condition is recommended to secure these measures.
- 8.20 Amongst other conditions, the Environmental Health Team suggested conditions to restrict the pedestrian use of the highway, that customers should be encouraged to leave the area quietly, that signage should be put up, and that doors and windows should be kept closed. However it is considered that these

are either outside the scope of this planning application, or are considered unenforceable.

8.21 Although there is the likelihood that the proposal would result in some increased noise and disturbance from the comings and goings of small groups of people, taking into account the information within the submitted Noise Management Report, the now significantly reduced proposed opening hours, and with the suggested conditions, it is considered on balance that the proposal would not result in significant noise and disturbance to neighbouring properties.

8.22 **Sustainable Transport:**

The proposed change of use from tattoo parlour (Sui Generis) to an escape rooms leisure use D2 may generate a small increase in trips to the site. However this would not be so significant as to warrant refusal of the application on this basis. Most customers would arrive by foot or be dropped off/picked up by vehicles such as Taxis. Any other vehicle trips would likely be to nearby public car parks.

8.23 No cycle parking is proposed however the site is constrained and satisfactory spaces are unlikely to be accommodated within the site.

9. EQUALITIES

9.1 The existing entrance arrangement, which appears to provide adequate access, will not be altered by the proposal.

ITEM E

**St Christopher School Sports Ground, Glebe
Villas, Hove**

BH2016/05672

Removal Or Variation Of Condition

DATE OF COMMITTEE: 13th December 2017

<u>No:</u>	BH2016/05672	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	St Christopher School Sports Ground Glebe Villas Hove BN3 5SL		
<u>Proposal:</u>	Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use. The use on Saturdays is proposed for a maximum of 10 days throughout the year.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	13.10.2016
<u>Con Area:</u>		<u>Expiry Date:</u>	08.12.2016
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	David _ Janet Bailey Crossways The Roundel Old Roar Road St Leonards-on-sea TN37 7HD		
<u>Applicant:</u>	33 New Church Road Hove BN3 4AD		

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	8238/02	D	13 October 2016
Block Plan	8238/01	A	13 October 2016
Floor Plans Proposed	8238/10	C	23 April 2012
Existing Floor Plans	8238/12	A	23 April 2012
Elevations Proposed	8238/15	B	23 April 2012
Existing Elevations	8238/16	B	23 April 2012
Detail	(SCHEDULE OF USE)	-	13 October 2016
Location Plan	8238/02	D	13 October 2016
Block Plan	8238/01	A	13 October 2016
Floor Plans Proposed	8238/10	C	23 April 2012
Existing Floor Plans	8238/12	A	23 April 2012
Elevations Proposed	8238/15	B	23 April 2012
Existing Elevations	8238/16	B	23 April 2012

- 2 Not used. (time condition)

- 3 The structure hereby permitted shall not be used except between the hours of 08.00 and 21.00 on Monday to Friday and 10:00 to 19:00 on Saturdays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4 The door located on the north elevation shall be used for emergency purposes only.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 Noise associated with plant and machinery incorporated into 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6 Not used.
- 7 Not used.
- 8 Not used.
- 9 Not used.
- 10 Not used.
- 11 Not used.
- 12 Not used.
- 13 Not used.
- 14 The refuse and recycling storage facilities provided shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 15 The cycle parking facilities provided shall be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 16 The structure hereby permitted shall be used on Saturdays for changing and kitchen facilities in association with events on Glebe Villas Playing Fields only and shall not be used as a teaching facility.

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

- 17 The enclosed outside play space attached to the pavilion, as indicated on drawing no.8238/02D, shall not be used except between the hours of 08.00 and 18.00 Monday to Friday and not at anytime on Saturday, Sunday or Bank Holidays.

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 The application site relates to St Christopher's School at Glebe Villas Playing Fields. The fields are located to the north of New Church Road and are bounded by detached and semi-detached houses at Glebe Villas to the east, Leicester Villas to the west and Chelston Avenue to the north. St Leonard's Church lies to the south of the playing fields which is a Grade II listed building.

- 2.2 The application relates to a pavilion (granted under permission ref: BH2012/00248) in the North West corner of the playing fields. The pavilion is a single-storey flat roofed structure of modern design and is accessed via an alleyway from Leicester Villas. The pavilion is used by St Christopher's School as changing and teaching facility.

- 2.3 Planning permission is sought for the variation of condition 3 of application BH2012/00248 to change the hours of use of the pavilion to 08.00 to 21.00 Monday to Friday and 10.00 to 19.00 on Saturday. The use on Saturdays is proposed for a maximum of 10 days throughout the year. The use on Saturdays would only include the use of the changing rooms and kitchen facilities.

- 2.4 There is currently a restriction on the use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays for a a temporary 12 month period, discontinuing on or before 1st September 2016, approved under application BH2015/0154. This current application proposes to grant the extended hours of use of the pavilion on a permanent basis.

3. RELEVANT HISTORY

- 3.1 BH2015/01548- Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey

outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08.00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year. Approved 26.08.2015. Condition 1. attached to this permission restricted the use for a temporary period..

3.2 BH2014/01441- Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08:00 to 21:00 Monday to Friday and 07:30 to 20:00 on Saturday. Refused 22.09.2014. The reason for the refusal was as follows:

- 1) The variation of condition 3 would result in the use of the pavilion on Saturdays between 07.30 and 20.00. The pavilion is in close proximity to residential properties and the proposal would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2013/02043: Application for variation of condition 14 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to allow refuse to be removed daily by caretakers and bought back to the main school. Approved 1/09/ 2014.

BH2013/04118- Application for removal of condition 3 of BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) which states the structure hereby permitted shall not be used except between the hours of 08:00 and 18:00 on Monday to Friday only. Refused 28.02.2014. The reason for the refusal was as follows:

- 1) The removal of condition 3 and resulting unimpeded hours use of the pavilion is deemed inappropriate and would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2012/00248- Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities. Approved 24.05.2012.

BH1999/01940/FP: Demolition of existing Pavilion building D1/D2 and erection of new Pavilion D1/D2. Approved April 2000.

3/83/0414: Demolition of exiting pavilion and erection of a larger terrapin building to improve the facilities in connection with the use of the sports field. Approved 1983.

3/84/0128: Use of pavilion for pre-prep school group. Approved 1984.

4. REPRESENTATIONS

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

- The extended hours would result in overlooking, loss of privacy and increased noise and disturbance.
- The extended hours would result in traffic and parking issues.
- The extended hours would result in inconvenience to local residents.

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

- The extended hours may result in noise and traffic issues.

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

5. CONSULTATIONS

5.1 **Transport Planning:** Comment

Original comment

The applicant is proposing to vary condition 3 to increase the permitted hours of the site's use from 6pm to 9pm on weekdays and Saturdays from 10am - 7pm.

5.2 The Highway Authority notes that during these evening weekday times on-street parking is likely to be at its peak demand in the surrounding residential area.

5.3 Therefore the Highway Authority would wish to see further information being provided, prior to determination, and this would include:

- The exact nature of events to be proposed following approval (the applicant has only provided a list of previous events) and the likely number of person and vehicle trips each event will generate
- How and where vehicles associated with such events are accommodated. If overspill parking onto the highway is likely to occur during the proposed new times a parking survey, in line with the Lambeth survey parking methodology, should be provided to demonstrate that there is availability for the likely additional car parking being generated.

5.4 No Objection

Comment dated 22.05.2017

The Highway Authority deems that the likely trips generated by a pavilion of this size for the proposed use and increase in hours, are unlikely to have a significant impact on the surrounding highway network.

5.5 It is also noted that the hours of use of the associated playing field are not restricted therefore restricting hours of use of the pavilion may not significantly reduce trips to the site.

5.6 The Highway Authority therefore has no objection to the increase in hours of opening time of the pavilion.

- 5.7 **Environmental Health: No Objection**
One complaint received in May last year of noise. The enquiry into this matter did not proceed and no action was taken.
- 5.8 **Sport England: No objection**
Sport England is supportive of the variation of condition 3 of application BH2012/00248 and the proposed extension to the hours of use of the existing ancillary sporting facilities. Sport England raises no objection to this application.
- 5.9 **County Archaeology: No objection**
The proposal would not have a significant archaeological impact.

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
CP8 Sustainable Buildings
CP9 Sustainable transport
CP12 Urban design
CP16 Open space
CP17 Sports provision

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

TR4 Travel plans
TR7 Safe Development
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity

HO20 Retention of community facilities
HE12 Scheduled ancient monuments and other important archaeological sites

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 whether the variation of the condition is appropriate in respect of the potential impact on the amenity of adjacent residential properties and transport issues.
- 8.2 **History and Context:**
Application BH2012/00248 granted permission for the removal of the existing pavilion and the construction of a new pavilion in the same location on 24.05.2012. Condition 3 stated the following:
- 8.3 *The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.*
Reason: *To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*
- 8.4 The condition was imposed on the hours of use of the pavilion to limit its impact on the amenity of adjacent properties in respect of noise disturbance. The pavilion is in close proximity to adjacent properties. It is immediately adjacent to the rear garden and kitchen of 24 Chelston Avenue and immediately to the rear of the gardens of 25 & 27 Leicester Villas. There are also a number of houses nearby on Chelston Avenue and Leicester Villas. The pavilion is accessed via Leicester Villas via an alleyway which runs in between 25 & 27 Leicester Villas. The use of this access also has noise and traffic implications. It should be noted that the use of the pavilion has intensified when compared to the previous pavilion. The previous pavilion had ceased to be used as it was in need of repair. The new pavilion is used as classroom and changing room.
- 8.5 It was therefore considered justifiable to limit its hours of use to limit the potential noise impact and disturbance of adjacent properties.
- 8.6 Application BH2013/04118 sought to vary condition 3 of application BH2012/00248 for unlimited use of the pavilion. This application was refused due to the unimpeded hours resulting in a detrimental impact upon amenity.
- 8.7 Application BH2014/01441 sought to vary condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08:00 to 21:00 Monday to Friday and 07:30 to 20:00 on Saturday. This application was refused due to the use on a Saturday resulting in a detrimental impact upon amenity.

- 8.8 Application BH2015/01548 sought to vary condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays was approved on 26.08.2015. A condition was attached to the permission so the extended hours would be allowed for a temporary 12 month period, discontinuing on or before 1st September 2016.
- 8.9 **The proposed variation of condition 3:**
Planning permission is sought to vary condition 3 attached to planning permission ref: BH2012/00248. This permission granted approval for the removal of the existing pavilion and the construction of a new pavilion in the same location. Condition 3 stated the following:
- 8.10 *The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.*
Reason: *To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*
- 8.11 Application BH2015/01548 for the variation of condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays was approved. A condition was attached to the permission so the extended hours would be allowed for a temporary 12 month period, discontinuing on or before 1st September 2016. This condition was imposed by Planning Committee when the last application was considered in 2015.
- 8.12 Planning permission is sought to grant the extended hours of use of the pavilion on a permanent basis. The hours of use of the pavilion are proposed as the following:
- 08.00 to 21.00 Monday to Friday
 - 10.30 to 19.00 on Saturdays.
 - The use on Saturdays is proposed for a maximum of 10 days throughout the year.
- 8.13 Regard is given to the previous application BH2015/01548 which was given permission for the same extended hours of use, albeit for a temporary time period. The conclusions from this application considered the extended hours of use on weekdays would be acceptable in respect of adjacent properties.
- 8.14 The report for application BH2015/01548 states that:
No objection is raised in principle to the proposed extension of hours during the week (8am - 9pm Monday to Friday). The use during the weekdays is in line with normal working hours. These hours are deemed more acceptable in respect of adjacent properties.
- 8.15 It was noted in the report that concern had been raised within previous schemes regarding the use of the pavilion on a Saturday particularly given that Saturday mornings would be a quiet time of day within the residential area. The hours of use on a Saturday were considered acceptable as there had been no noise

complaints to Environmental Health and subject to a condition restricting the use of the pavilion for changing rooms and kitchen facilities.

- 8.16 Application BH2015/01548 was decided at Committee on 02.09.2015. Members raised concern particularly given the use of the Pavilion on a Saturday and considered that an additional condition should be attached to limit the consent to 12 months. The reason given for the temporary permission for a 1 year period was to be able to assess the impact of these extended hours upon neighbouring amenity.
- 8.17 The applicant has submitted a Schedule of Use spreadsheet detailing the use of the Pavilion between September 2015 to August 2016, during the temporary year period. The use on a Saturday recorded 2 sports events and the majority of the weekday evening use was for parent's evenings. Environmental Health have commented that there is a record of one complaint being received in May 2016, received during the temporary extended hours of use of the Pavilion. Environmental Health have commented that the nature of the complaint related to the use of the pavilion during the daytime in the week and in break time and the use of the pavilion by outside groups. An enquiry into this matter did not proceed and no direct action was taken.
- 8.18 It is noted that there have been a number of objections from neighbours throughout the history of the proposed increased hours of use of the pavilion. The concerns are connected with the use of the pavilion, the use of its outside areas and noise created when accessing and leaving the pavilion via the alleyway from Leicester Villas. The neighbour objections with this current application also mention the increased impact to neighbouring amenity since the temporary hours approved under application BH2015/01548. However given that there have not been a large number of complaints to Environmental Health in this time and no direct action has been taken by Environmental Health it is not considered that the extended hours on weekdays and the use on Saturday would impact neighbouring amenity to a detrimental degree to refuse these hours, particularly as the Saturday use are intended to be restricted to 10 times a year.
- 8.19 It should be noted that St Christopher's School uses the playing field at Glebe Villas for sports activities which is an established use with no restrictions and the use of the pavilion on Saturdays would be restricted for changing and kitchen facilities only.
- 8.20 On this basis and subject to the recommended conditions, it is considered that the proposed variation of hours of use would not result in a significant impact on the amenity of any adjacent properties with respect to noise disturbance. As such the variation of condition 3 is considered acceptable.
- 8.21 Conditions will be attached restricting the use of the outside play space between the hours of 08.00 and 18.00 Monday to Friday and limiting the Saturday use for changing and kitchen facilities only, as they are necessary to protect neighbouring amenity.

- 8.22 Condition 1 (time condition) has not been used as the works are complete.
- 8.23 Conditions 6-13 have not been used as this condition they are pre-commencement conditions and the works have already taken place.
- 8.24 **Sustainable Transport:**
The Highway Authority has no objection to the increase in hours of opening time of the pavilion. The likely trips generated by a pavilion of this size for the proposed use and increase in hours are unlikely to have a significant impact on the surrounding highway network.
- 8.25 **Conclusion:**
Having regard to the considerations above, the following conclusions are made:
- The use of the premises between 8am - 9pm during weekdays is appropriate as this would allow a more flexible use of the premises for open evenings. However, the use of the outside enclosed area attached to the pavilion is to be limited to between 8am-6pm to prevent noise impact on adjacent properties.
 - The use of the pavilion on Saturdays is appropriate subject to the use being limited for changing and kitchen facilities only.
 - The applicant has applied for the use of pavilion on Saturdays for 10 days only a year. Conditioning the use of the pavilion as such would not be enforceable. Additionally, restricting the use of the pavilion for changing and kitchen facilities only to be used for sports days and open events on the fields is considered acceptable and would not result in a detrimental impact on adjacent properties.
 - It should be noted that St Christopher's School uses the playing field at Glebe Villas for sports activities. This is an established use with no restrictions.
 - The scheme would not result in a significant demand for parking or significantly impact on highway safety.

9. EQUALITIES

- 9.1 None identified

COUNCILLOR REPRESENTATION

**Ref: BH2016/05672 - St Christopher School Sports Ground, Glebe Villas, Hove
Date: 13 November 2016**

Hi Nicola/Paul,

I'm not too sure where I'm supposed to send comments on a planning application when it's on the system but no officer has been appointed...so I'm sending to you guys. My objection to this application, following meetings with several residents who live adjacent to the field, is the proposed hours.

Residents are worried that the absence of a cap on the number of days of usage, along with the late finish, and lack of a condition on who can use the field, makes it inevitable that they will be disturbed to unacceptable levels.

I quite understand their concerns and therefore object to this application.

I would like to go to committee in the event that it is recommended for approval.

Can this please be added to the comments?

Thanks

Cllr Robert Nemeth - Wish Ward
Brighton & Hove City Council

ITEM F

43 Clarendon Villas, Hove

BH2017/02057

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/02057 43 Clarendon Villas, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02057	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	43 Clarendon Villas Hove BN3 3RE		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	19.06.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	14.08.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Turner Associates Ltd 19A Wilbury Avenue Hove Brighton BN3 6HS		
Applicant:	Mr Jonathan Stern CO Turner Associates Ltd 19A Wilbury Avenue Hove Brighton BN3 6HS		

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	TA 973 /01		19 June 2017
Site Layout Plan	TA 973 /10		19 June 2017
Floor Plans Proposed	TA 973 /11		19 June 2017
Floor Plans Proposed	TA 973 /12		19 June 2017
Elevations Proposed	TA 973 /13		19 June 2017
Elevations Proposed	TA 973 /14		19 June 2017
Elevations Proposed	TA 973 /15		19 June 2017
Elevations Proposed	TA 973 /16		19 June 2017
Elevations Proposed	TA 973 /17		19 June 2017
Elevations Proposed	TA 973 /18		19 June 2017
Elevations Proposed	TA 973 /19		19 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, details of secure cycle parking facilities for the occupants of, and visitors to, the development

shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

- 4 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window, door and balcony treatments
 - e) Samples of all other materials to be used externally

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

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

- 5 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 rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 6 Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 7 The building hereby permitted shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

(England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 8 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.

- 9 The development shall not be occupied until the privacy screens implemented have been installed in strict accordance with the approved details and shall thereafter be retained as such.

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

- 10 The proposed rooflights in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a backland plot of land located between residential properties to the north fronting onto Goldstone Road, and the residential properties to the south on Clarendon Villas. The site is accessed via a driveway that enters onto Clarendon Villas, in between nos. 43 and 45. The garages are used for vehicle parking (Class Use Sui Generis).

- 2.2 Planning permission is sought for the demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.

3. RELEVANT HISTORY

M/8445/61 Three garages at rear - Granted 21/11/61

M/7673/60 Erection of 3 concrete garages at rear - Granted 22/11/60

4. REPRESENTATIONS

4.1 Councillor Andrew Wealls objects to the application and has requested that the application is determined at Planning Committee (comment attached).

4.2 Twenty-two (22) letters, including one petition, have been received objecting to the proposed development for the following reasons:

- Overlooking and loss of privacy into rear of residential flats on Clarendon Villas
- Loss of light
- More pressure on existing parking, and loss of existing parking on site
- Safety of pedestrians at risk
- Increased noise and disturbance
- No demand for offices in this area
- Use is too high-intensity for this area
- Access driveway is too narrow
- Light pollution
- Design of building not in keeping with surrounding buildings
- No access for emergency vehicles
- Disruption from construction

5. CONSULTATIONS

5.1 **City Regeneration:** Comment

City Regeneration supports the development in principle but only subject to the comments provided by the Planning Policy team.

5.2 The proposed application will create 140 sqm of B1a (office) space which is in high demand by Small and Medium Sized Enterprises (SMEs) in Brighton & Hove. The application is expected to create 12 FTE jobs which is in line with OffPAT's Employment Densities Guidance for this square meterage of B1a office floorspace.

5.3 City Regeneration notes the application form inaccurately classifies the existing garages as B1 (a) office floorspace under 'Existing Gross Internal Floorspace' and 'Gross Internal Floorspace to be Lost by Change of Use or Demolition'.

5.4 **Environmental Health:** Comment

Localised contamination may have occurred during the past use of the garages. I would therefore advise that this is born in mind and acted upon, as necessary during demolition and construction.

- 5.5 **Planning Policy: Comment**
Local Plan Policy EM4 states that planning permission will be granted for new business and industrial uses (Use Classes B1 and B2) on unidentified sites within the built up area boundary provided that seven criteria are met.
The strategic need for additional B1 office floorspace is set out in the Brighton & Hove Employment Land Study 2012 which identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460m² in size. The provision of units of 70m² to support small businesses is therefore strongly supported.
- 5.6 No concerns are raised with regard to the criteria in Policy EM4, however criteria (f) and (g) are subject to on-site assessment by the case officer.
- 5.7 **Waste Management:**
Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy¹.
- 5.8 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.
- 5.9 **Sustainable Transport: No objection**
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.
- 5.10 **Pedestrian & Mobility Impaired Access:**
The access arrangements are shared for vehicles and pedestrians. Whilst this is not ideal it is noted that there is only 2 vehicles spaces being proposed and therefore movements are likely to be less frequent and in this instance a shared entrance is acceptable.
- 5.11 **Cycle Parking:**
The proposed level of cycle parking (6) is deemed acceptable and in line with parking standards SPD14 however further details are required of the stands proposed and the condition below is recommended to be attached.
- 5.12 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.13 **Disabled Parking:**
The applicant does not appear to be providing disabled parking however it is noted that there is disabled parking on street and the 2 bays on site are large

enough to be converted to dedicated disabled user bays if required. The Highway Authority therefore has no objection on these grounds.

5.14 Vehicular Access:

The access entrance is as existing for the 6 garages and this is deemed acceptable for vehicle movements relating to this development including 2 parking spaces.

5.15 Car Parking/ Highway Impact:

The applicant is providing 2 car parking spaces for the offices and it is noted that 6 garages are being removed. This could mean that potentially there will be overspill of 6 spaces (from the garages) on the highway.

5.16 However it is noted that the site is within a controlled parking zone (with no waiting list) and the level of car parking will be managed.

5.17 The Highway Authority therefore does not deem that likely levels of additional on-street parking demand resulting from the proposal could be deemed to amount to a severe impact on the highway in this location and as such refusal would not be warranted on highways and transportation grounds under the National Planning Policy Framework (NPPF).

5.18 Developer Contribution:

The Highway Authority does not wish to request contributions 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, 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
CP3 Employment land
CP7 Infrastructure and developer contributions
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
QD15 Landscape design
QD27 Protection of amenity
EM4 New business and industrial uses on unidentified sites

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of change of use, the visual impact of the proposed building, its impact on neighbouring amenity, and transport and sustainability impacts.

8.2 Planning Policy:

The site consists of a row of 6 no. single storey garages that are used for general parking. The loss of the garages would not materially impact upon parking provision in the area (see below); therefore no objection to the loss of the garages is raised in this instance. The proposed business use of the site would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land).

8.3 In terms of providing 140sqm of new B1 office accommodation, Policy EM4 of the Local Plan sets out the criteria for when planning permission for such uses on unidentified sites will be granted:

- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
- b) The site is readily accessible by public transport, walking and cycling;
- c) The development would not result in the net loss of residential accommodation;
- d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;

- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
 - g) There is adequate landscaped amenity open space.
- 8.4 It is considered that the proposal would meet criteria a - e by virtue of its city centre location and the identified need for modern office accommodation within the Employment Land Study update 2012. This study identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460m² in size. The proposal would provide good sized units that would be expected to create 12 jobs.
- 8.5 Matters relating to criteria f are addressed below. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable.
- 8.6 There is a concern that a future application would be applied for a residential development or a change of use to residential. However given the front elevation screening would restrict the outlook, daylight and sunlight which is acceptable for office use, this would not be an appropriate standard of accommodation for residential use.
- 8.7 **Design and Appearance:**
The proposal is for 2 no. office units set in a single building across the width of the site set within the footprint of the existing garage structures. The offices would have a single storey appearance with a pitched roof in order to accommodate a mezzanine floor within. The proposal would incorporate excavation of the land to the north in order to level the land of the site, and in order to reduce the impact of the height of the building. The roof ridge height would be approximately 2.2m higher than the existing flat roof structures, which would be 0.8m higher than the existing boundary brick wall separating the site from the rear gardens of the properties on Goldstone Road to the north. The building would consist of painted render walls, metal/standing seam roof, and timber/metal windows and doors.
- 8.8 Much of the site is not visible from public view as it is surrounded by semi-detached and terraced residential properties, although the buildings would be glimpsed through the access driveway from Clarendon Villas. The building would be visible from the rear of flats on Clarendon Villas.
- 8.9 The existing garage buildings on the site are of little architectural value and consequently the loss of these would not be of a visual detriment to the surrounding area. However the proposed buildings would have to be of an appropriate design that would preserve or enhance the character of the surrounding area.
- 8.10 The proposed office buildings would not share the defining characteristics of the property frontages of the nearby terraced properties. The existing dwellings on neighbouring streets predominantly consist of two/three storey dwellings with predominantly rendered or brick exteriors, pitched roofs, prominent bay windows

and traditional roof dormers. The proposed office building would have a single storey appearance, with a size and scale of the dwellings subservient to and more modern than the more traditional houses surrounding the site.

- 8.11 Although the proposed design would contrast somewhat with these neighbouring properties, the simple modern design would be appropriate as the site does not form part of the street scene. Overall it is considered that the proposal would preserve the character and appearance of the surrounding area in accordance with policy CP12 of the Brighton and Hove City Plan.
- 8.12 **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.
- 8.13 The site is directly abutted by a number of residential gardens of houses to the north on Goldstone Road, and residential properties converted into flats to the south on Clarendon Villas. The greatest impact would be on the flats directly to the south which are nos. 43 and 45 Clarendon Villas.
- 8.14 The proposed office use, as well as the use of the amenity spaces, car parking spaces and driveway, would intensify the use of the site in an enclosed plot surrounded by neighbouring properties and gardens. However the proposed design has incorporated ways of limiting the impact of neighbouring properties. It is accepted that pedestrian movements to and from the site through the driveway would increase, and that this could result in some noise and disturbance to the immediate neighbouring residents. However the proposed office occupancy is relatively low (12 employees), and due to the B1a use, the disturbance would generally be during daytime office hours, rather than at evenings and weekends. The proposed forecourts may be used by employees for short periods, however given the relatively low level occupancy of the offices, this is unlikely to cause significant noise disturbance. It should be noted that the existing garages could be more likely to be used anytime, and if used at maximum occupancy with 6 parking spaces (and additional ones in front of the garages), the noise and disturbance from vehicular movements could be more significant than the proposed development which incorporates only 2. no parking spaces. The proposed use of B1a use only could be restricted by condition. Therefore, on balance, it is considered that the proposed B1a use would not result in significant noise and disturbance that would warrant the refusal of the application on this basis.
- 8.15 The existing rear wall on the north boundary would be replaced but the height would be retained and so the office building eaves height would be set down from the parapet. Although the pitched roof ridge height would be higher than the existing wall, the pitch of the roof would be set away from the boundary. Although the additional height would be visible from the neighbouring properties and gardens of Goldstone Road, this additional height would not be so

significant as to result in overbearing development that would result in significant loss of light or overshadowing to the properties to the north.

- 8.16 Despite the increase in height in comparison to the existing garage buildings, the proposed development would be of a sufficient distance away (over 8.5m) from the rear windows of the flats of 43 and 45 Clarendon Villas so as to not result in significant loss of sunlight, daylight and be of an overbearing nature.
- 8.17 The proposal would have the potential to create new views towards neighbouring properties, by way of overlooking from the south elevation windows and rooflights. Objections have been raised in relation to loss of privacy and overlooking, however it should be noted that the rear windows of the flats within nos. 43 and 45 Clarendon Villas are already fully visible to any user of the existing garages.
- 8.18 The proposed development includes 2m high screen from ground floor level, and slatted screens on the windows, which would limit the views from the ground floor to within the office forecourts. The proposed south elevation rooflights are proposed to be at a height and angle that would not result in imposing views when closed. A condition would be required to ensure they remain fixed shut. No windows are proposed on the north elevation. Providing the privacy screens are implemented which can be controlled by condition, the proposed development would not result in significant levels of overlooking or loss of privacy.
- 8.19 For these reasons the proposed building would not result in significant loss of amenity to adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.20 **Sustainable Transport:**
The existing access arrangements would be shared for vehicles and pedestrians, which is not ideal, however this is also the current situation and as there only 2 no. parking spaces it is considered that vehicle movements are likely to not be so frequent as to cause significant harm.
- 8.21 The proposal indicates cycle parking within the forecourts which is considered acceptable in principle subject to further details required by condition.
- 8.22 Residents have raised objection at the potential impact on parking capacity in the area. The proposal would result in the loss of 6 car parking spaces in the form of the existing garages. It is not considered that 2 no. small office units would have a significant impact on daytime parking levels in the area. It is noted that the site is within a controlled parking zone (with no waiting list) and so the level of car parking can be managed. The Transport Team have no objection to the proposal, and it is not considered that the level of additional demand for on-street parking would be significant in this instance.
- 8.23 **Sustainability:**
The site forms previously developed land. Policy CP8 of the City Plan requires development of this scale to meet BREEAM 'Very Good'. A condition is attached

to ensure the development meets this standard. Provision for refuse and recycling facilities is shown to the front of the site within the undercroft and is also secured by condition.

8.24 Other Considerations:

The site has been identified as having localised contamination due to the use of the garages. A land discovery condition is therefore required to ensure appropriate works during demolition and construction.

9. EQUALITIES

9.1 None identified

COUNCILLOR REPRESENTATION

Ref: BH2017/02057 43 Clarendon Villas, Hove
Date: 19th July 2017

Comment:

Please note my objection to this planning application.
The reasons for my objection are as follows;

1. Parking capacity in Clarendon Villas is already in short supply. The proposal reduces available spaces from six to two.
2. There is a proposal to allow 12 employees to work on site. The site lies directly behind two large villas converted into flats and backs on to residences in Goldstone Road. Employment space for 12 individuals implies significant movement of people and transport, not only at the time of arrival, but at lunchtime, departure, deliveries, client visits (which could be unlimited) at unlimited times of day and night. The application makes no suggestion of time limits on use or access. Additionally client visits risk being by car, causing noise, pollution and annoyance to neighbours. This is a particular risk when visitors do not realise the highly constricted nature of the parking/access area until they have driven there.
3. The bedrooms of several of the flats in 43 and 45 Clarendon Villas and properties to the rear in Goldstone Road overlook the proposed development. The issues outlined in (2) above will be particularly acute for these residents.
4. The skylights in the roof will allow overlooking upwards towards the bedrooms of 43 and 45 Clarendon Villas. The proposed section/west elevation drawing shows this risk extremely clearly. This will result in a loss of privacy and amenity to these residents.
5. Although there are proposals for slatted screens, there will be light pollution arising from office use at this site both from the skylights and windows at the front elevation. This will negatively impact the amenity of residents at 43 and 45 Clarendon Villas.
6. Additionally there will be overlooking into the properties of 43 and 45 Clarendon Villas as staff, visitors and deliverers arrive and depart from the premises. This will result in a significant loss of privacy and amenity.
7. The rear (north) elevation (towards Goldstone Road) is significantly higher than the existing garages, which could reduce light and amenity for neighbouring properties backing on to the site.
8. The access road, between 43 and 45 Clarendon Villas is very narrow and is insufficiently wide for delivery vehicles/cans. It was never designed to be sufficient to cope with any meaningful volume of traffic. Damage has already resulted to the basement of 43 Clarendon Villas as a result of vehicle movements.

Should the proposal be recommended by officers for approval, I request that the application is referred to Planning Committee and I have the opportunity to speak in objection.

Councillor Andrew Wealls

ITEM G

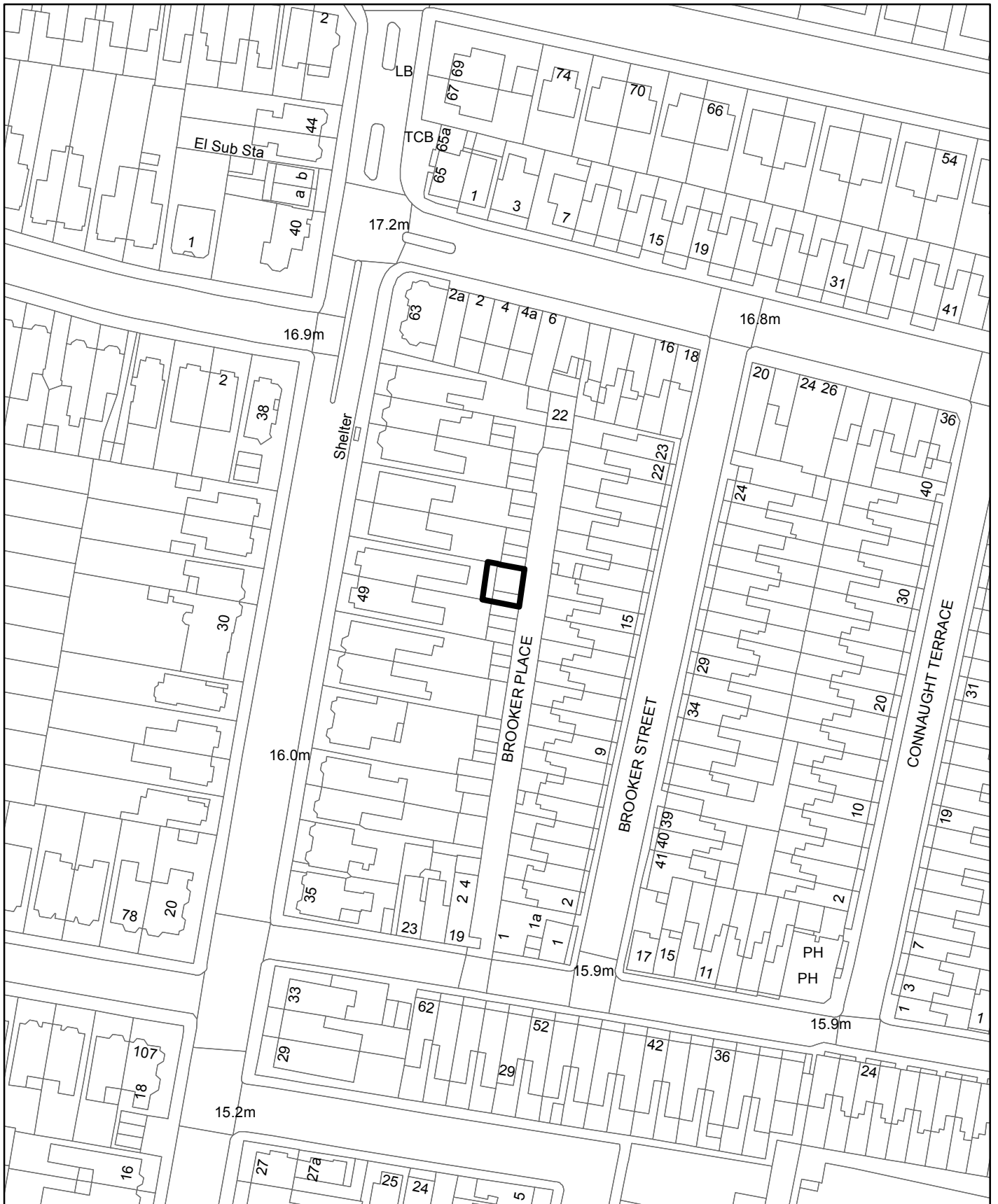
**Store Rear Of 51 Sackville Road (Brooker
Place) Hove**

BH2017/00306

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/00306 Store Rear Of 51 Sackville Road (Brooker Place) Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00306	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Store Rear Of 51 Sackville Road (Brooker Place) Hove BN3 3WD		
<u>Proposal:</u>	Demolition of existing store and garage (B8) and erection of new store/garage (B8).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	02.02.2017
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	30.03.2017
<u>Listed Building Grade:</u>	n/a	<u>EOT:</u>	
<u>Agent:</u>	Mr Richard Beecham 50 Beaconsfield Villas Brighton BN1 6HD		
<u>Applicant:</u>	Mr Robert Nemeth 29 Edward House New Church Road Hove BN3 4BH		

The application is to be determined by Planning Committee as the applicant is a Councillor.

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			6 November 2017
Floor plans and elevations proposed	2399/01		30 January 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.

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 single storey garage set amongst a row of garages on the west side of Brooker Place. The plot of land containing the garage is set within the rear garden of a property converted into flats which fronts onto Sackville Road. The site is located within the Old Hove Conservation Area.
- 2.2 Brooker Place is a narrow access road providing access to the rear of residential properties in Brooker Street to the east, and garages to the rear of properties in Sackville Road.
- 2.3 Planning permission is sought for the demolition of the existing store and garage (B8) and erection of new store/garage (B8).
At the time of the site visit, the existing garage had been demolished.

3. RELEVANT HISTORY

M/9259/62 Storage and baling of cardboard - Approved 18/10/1962

4. REPRESENTATIONS

- 4.1 None received

5. CONSULTATIONS

5.1 Economic Development: No objection

City Regeneration has no adverse comments regarding this application. The site is currently vacant and was previously used by a small local business for storage or parking vehicles. The proposed application is owing to the store/garage partly collapsing and being of poor condition. The works will create an addition 13 sqm of B8 (storage or distribution space) and regenerate the site ready for business use, which is welcomed.

5.2 Sustainable Transport: No objection

Recommended approval as the Highway Authority has no objections to the above application. The proposal essentially replicates the existing development and would not be expected to have additional highways and transport implications.

5.3 Arboriculture: No objection

There are no trees or shrubs on this site now and therefore the Arboricultural Section has no objection to the proposal.

The garden area to the rear of these garages did up until recently support one medium sized Sycamore that abutted the existing garage/store. This tree has been felled and only its stump remains. From our records a conservation notification for its removal was received which was agreed on the 20th January 2017. Clearly this tree was displacing the current structure and was of limited amenity due to its location.

5.4 The Arboricultural Section has no objection to the proposals in this planning application.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP3 Employment land
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP15 Heritage

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

TR7 Safe Development
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
EM4 New business and industrial uses on unidentified sites
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the proposed design and its impact on the conservation area, the impact on residential amenity for neighbouring properties. Consideration is also given to traffic implications.
- 8.2 **Planning Policy:**
The use of the previous garage was, according to the applicant, a garage for storage for a local business. The applicant has submitted letter from the managing agents stating that from 1999-2016 the garage was used solely for storage purposes. As there is no evidence to the contrary, it is considered that the garage was in B8 use for storage.
- 8.3 The proposed new garage would also be for B8 use, and would create in addition to the existing floorspace, an extra 13 sqm of B8 floorspace. There would not be a loss of employment use in this instance. The proposed B8 use is considered to be appropriate in this locality amongst both residential and other commercial garages.
- 8.4 **Design and Appearance:**
The previous garage building on the site was of little architectural value and consequently the loss of the building would not be of detriment to the conservation area.
- 8.5 The proposed garage would be set in a similar position as the existing garage, but with additional footprint at the rear within the existing rear garden of 51 Sackville Road. The added bulk at the rear would be mainly hidden and masked from the view from Brooker Place. The proposed garage would not be set any further forward than the existing garage and so it would be in line with the building line of the street. The proposed roof would be raised slightly in comparison to the existing garage, but the height would be in line with the adjoining garages.
- 8.6 Given the character of the area, it is considered that the siting of the garage is satisfactory and the size is considered acceptable. It would cause no demonstrable harm to the wider Old Hove Conservation Area. The proposal therefore accords with policies QD14 and HE6.
- 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 Despite the small increase in floor space, it is considered that the proposed use is unlikely to generate any significant additional noise over and above that generated by the previous structure of the same use.

8.9 The proposed replacement garage would be larger in depth than the existing, however given its location at the end of the rear garden, set beside other commercial garages and away from the residential flats on Sackville Gardens, it is considered that there would not be a significant impact on the amenity of neighbouring properties.

8.10 **Sustainable Transport:**

Given that the proposed use is the same as existing, despite the small increase in floor space, it is considered that there would not be a significant additional highways and transport implications in this instance.

8.11 **Other considerations:**

The proposal would result in the loss of a tree within the rear garden of the site. This tree has little amenity value and its removal is considered acceptable in this instance.

9. **EQUALITIES**

9.1 None identified

ITEM H

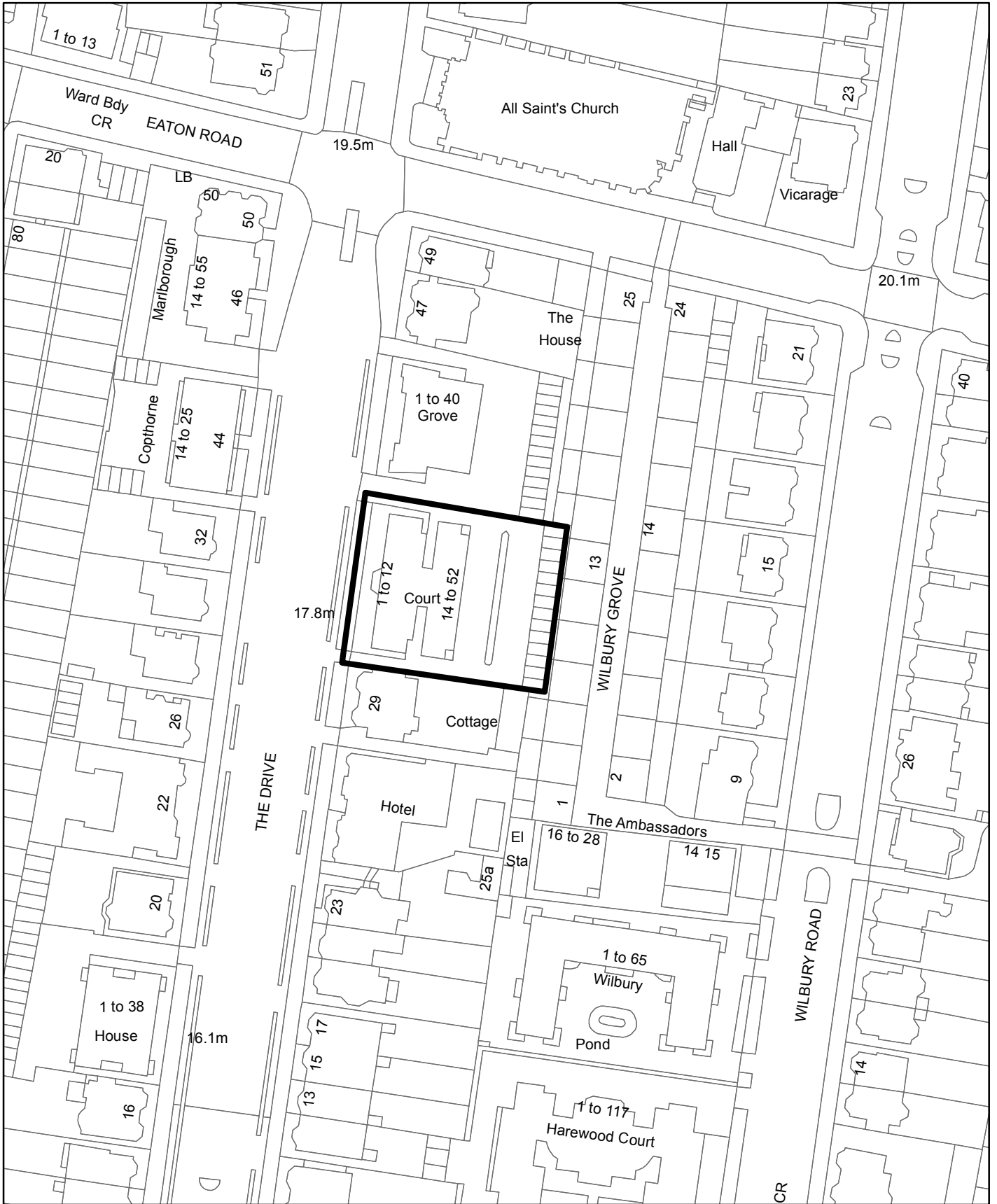
Bowen Court, 31-35 The Drive, Hove

BH2017/02482

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/02482 Bowen Court, 31-35 The Drive, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02482	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Bowen Court 31-35 The Drive Hove BN3 3JF		
<u>Proposal:</u>	Installation of safety railings to roof.		
<u>Officer:</u>	Ayscha Woods, 292322	tel: <u>Valid Date:</u>	22.09.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	17.11.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	20.12.2017
<u>Agent:</u>	Fryzer Property Services 30 York Road Worthing BN11 3EN		
<u>Applicant:</u>	Bowen Court Ltd 31/35 The Drive Hove BN3 3JF		

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	-	-	21 July 2017
Block Plan	-	-	21 July 2017
Elevations Proposed	02	-	22 September 2017
Detail	25912-1	C	21 July 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.

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 Bowen Court which forms a purpose built block of flats located to the east side of The Drive. The site is situated within The Willett Estate Conservation Area and the building is relatively modern in design.

2.2 Permission is sought for the installation of safety railings around the edge of the roof.

3. RELEVANT HISTORY

3.1 None relevant

4. REPRESENTATIONS

4.1 Fourteen (14) letters has been received supporting the proposed development for the following reasons:

- Essential works to prevent high risk of accidents
- Railings required for safe maintenance of the roof
- Railings required for safety of crew and public
- Neighbouring blocks have railings - in keeping with character of area
- High quality and finish of the railings - no negative impact on the appearance of the block

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

- Impact on character of building and conservation area
- Impact on the structure of the building
- Noise disturbance
- Unnecessary works
- Leaseholder disputes

4.3 It is noted that three (3) objections were received from the same person, and two (2) objections from another person.

4.4 One (1) further comment was received commenting on the proposed development for the following reason:

- Comment with regards to safety

5. CONSULTATIONS

5.1 **Heritage:** Initial comment received 18/10/17:

Insufficient information has been submitted to justify the requirement of the proposed railings. An alternative barrier might be more suitable for the building in design and material.

5.2 **N.B. - Further information and justification was provided throughout the course of this application addressing the above comments**

5.3 **Heritage:** Further comment received 26/10/17:

- 5.4 The information provided is helpful. An alternative style/design of railing which would only temporarily affect the sky line has been suggested and required investigation as to whether this would be more appropriate.
- 5.5 **N.B. - Further information and justification was provided throughout the course of this application addressing the above comments**
- 5.6 **Heritage:** Final comment received 06/11/17:
This issue of alternative railing designs has been thoroughly explored, and it is accepted that there is no practical alternative, therefore regrettably the public benefit of physical safety of people undertaking maintenance is now considered sufficient to justify the proposal.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, 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
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 Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed railings on the appearance and character of the existing building, the wider Willett Estate conservation area, and the amenities of the adjacent occupiers
- 8.2 **Design and Appearance:**
Initial concerns were raised regarding the proposal in terms of the justification for the need of new railings. It was noted that at present workers use fall arrest equipment, and it was considered further justification was required to explain why this was inadequate. In addition, the design and materials of the proposed railings raised concerns due to their likely impact on the profile of the building against the skyline and the original styling of the building.
- 8.3 Following the above concerns, further information was provided for the proposal as detailed below.
- 8.4 It was stated that the health & safety of contractors and staff working at height on Bowen Court or any other building is primarily the responsibility of the building owner under The Construction (Design and Management) Regulations 2015. Not all contractors have the ability to use their own man-safe system, or other safety harness system which restricts the usable contractors and also restricts any work on the roof being carried out by the resident caretaker. The purpose of the railings is to provide a safe working environment for any contractor who we need to access the roof area. The railings that have been proposed are to be manufactured in stainless steel which is most suitable for the coastal region. An alternative to this would have to be mild steel which would be subject to corrosion.
- 8.5 The above information is considered to provide clear and sufficient justification for the proposal and the principle of the requirement of the railings is therefore accepted. With regards to the design and material concerns, an alternative solution was explored throughout the course of this application.
- 8.6 It was suggested by the Heritage officer that in a similar case safety railings were proposed which could be laid flat when not required. The applicants provided clarification as to the unsuitability of this type of system in this instance, having regards to the design of the existing flat roof area which has relatively narrow walkway sections immediately adjoining the west and east elevations of the building. This alternative design would be such that the bases to the uprights of the railings would impede the surface water drainage, and would represent a trip hazard to those on the roof in these areas, either with the railings in position, or if erecting the railings - a risk in itself.
- 8.7 Subsequently the Heritage officer confirmed that that the issue of design and materials has been thoroughly explored, and that there is no practical alternative. Therefore whilst it is acknowledged that the railings would have an impact on the skyline and building itself, regrettably it is considered that the public benefit of physical safety of people undertaking maintenance is sufficient to justify approval of this application.

8.8 In addition it is noted that there are existing railings present within the streetscene, including railings to the roof of Grove Lodge which forms the adjacent purpose built block of flats to the north.

8.9 **Impact on Amenity:**

The railings would be situated on the roof top and would therefore not result in a harmful impact on the amenity of the flats of Bowen Court. Whilst it may lead to some loss of a view for the penthouse flats located to the rooftop, this is not a material consideration to this application and is therefore not given any weight.

8.10 **Other considerations**

It is noted concerns have been raised regarding noise disturbance from the proposed railings due to strong winds. There is no identified noise impact from the proposed railings.

8.11 Regarding the objection raised on the grounds of disputes between the leaseholder and boards of directors, this is considered a civil matter and is not a material consideration in the determination of this application.

9. EQUALITIES

9.1 None identified.

ITEM I

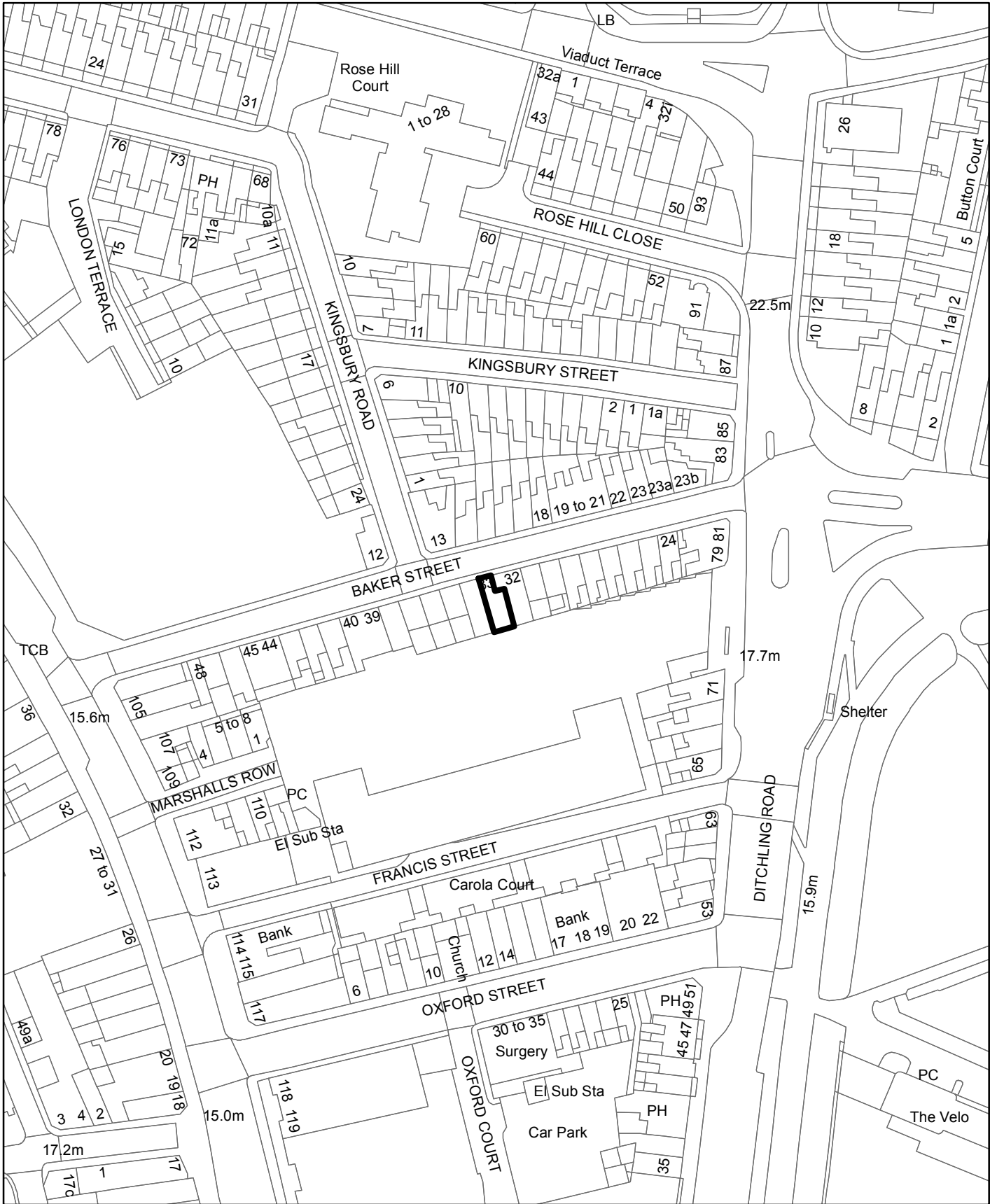
33 Baker Street, Brighton

BH2017/03214

Full Planning

DATE OF COMMITTEE: 13th December 2017

BH2017/03214 33 Baker Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/03214	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	33 Baker Street Brighton BN1 4JN		
<u>Proposal:</u>	Change of Use from residential dwelling (C3) to 4no bedroom Small House in Multiple Occupation (C4). (Retrospective)		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	22.09.2017
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	17.11.2017
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Liberty Hall Management ltd C/o DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

This application has been referred to Planning Committee for determination by Councillors West, Deane and Greenbaum.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	02		22 September 2017

2. Within three months of the date of this decision the approved layout shown on drawing no. 02 submitted on the 22nd September 2017 shall be fully implemented. The kitchen and living rooms shown on this drawing shall be retained as communal space at all times and shall not be used as a bedroom.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. The development hereby approved shall only be occupied by a maximum of four (4) persons.

Reason: To ensure a suitable standard of accommodation for occupiers and to safeguard the amenity of neighbouring properties to comply with policy QD27 of the Brighton & Hove Local Plan.

4. Within 3 months of the date of this decision the cycle parking facilities shown on the approved plans should be fully implemented and made available for use.

The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

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 first floor flat located above a retail unit on the ground floor on the south side of Baker Street. The flat is accessed from a separate entrance to the commercial unit and is shared with the flat on the second floor of the building.

3. RELEVANT HISTORY

BH2017/00645 Change of use from two bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Retrospective). Refused for the following reasons;

1. The change of use to provide a 5 bedroom House of Multiple Occupation due to the limited size and usability of the shared communal space would fail to provide an acceptable standard of accommodation for the intended use, detrimental to the residential amenity of the future occupiers of the property and contrary to policy QD27 of the Brighton and Hove Local Plan.
2. The use of the roof terrace by the potential number of occupiers (5) is likely to result in a significant increase in noise and disturbance, and would adversely affect the amenity of neighbouring residential properties, contrary to policy QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

- 4.1 None received.
- 4.2 A letter has been received from Councillors West, Deane and Greenbaum objecting to the proposal. A copy of the letter is attached to this report.

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** Comment
The Highway Authority has no objections to the scheme subject to the inclusion of conditions relating to cycle parking.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, 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
CP14 Housing density
CP19 Housing mix
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise nuisance
HO5 Provision of private amenity space in residential development
HO8 Retaining housing
QD27 Protection of amenity

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

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

8.2 **Planning Policy:**

The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 4 unrelated individuals (in this case 4 bedspaces) who share basic amenities.

- 8.3 The site visit revealed that the property is currently occupied as a 5 bed HMO, providing accommodation for five unrelated individuals, with only a kitchen being provided as communal living space. The use of the flat as a 5 bed HMO was refused under application BH2017/00645 for the reasons outlined above.
- 8.4 The amended scheme being considered as part of this current application shows a revised layout of 4 bedrooms and with the provision of a separate communal kitchen and living room.
- 8.5 Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
- 8.6 In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'
- 8.7 A mapping exercise has taken place which indicates that there are 116 neighbouring residential properties within a 50m radius of the application property. Eight (8) of these neighbouring properties has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is 6.89%, which is less than 10%. The proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.8 It is noted that a block of purpose built student flats is located within the 50m radius. The flats located within this building have not been included in the above calculation as the building is classed as purpose built accommodation within a Sui Generis Use and is not classed as a HMO. The flats themselves have not been included in the overall number of residential properties, however were they to have been included, the percentage of HMOs in the radius would be reduced and the application would still be compliant with policy CP21.
- 8.9 The overall percentage of HMO's within a 50m radius is 6.89 percent which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.10 Standard of accommodation:

The layout provides kitchen/dining room which measures 11.1 sqm, a living room which measures 6.8m and five bedrooms ranging between 8 sqm and 9.2sqm.

- 8.11 The reduction in occupiers from the previously proposed 5 to the current proposal of 4 occupiers and the increase in communal living space is considered to have addressed the previous concerns. The layout and room sizes are considered acceptable and the development would provide a satisfactory standard of accommodation.
- 8.12 **Impact on Amenity:**
It is not considered that the change of use of the flat would increase any existing impacts to the adjoining occupiers in regards to noise and disturbance and therefore would not warrant the refusal of planning permission on these grounds.
- 8.13 The property has an existing rear terrace. The previous application considered the use of this terrace as having the potential to cause harm to the amenity of adjoining properties due to the proposed increase in the number of occupants.
- 8.14 The pre-existing use of the unit is as a two bed flat. The proposed reduction in the number of occupiers could therefore result in the same level of occupancy as the pre-existing use. It is therefore considered that the use of the terrace by the proposed number of occupiers would not significantly intensify the use of the terrace area.
- 8.15 It is also considered that the increase of communal space internally would allow occupiers to spread out throughout the unit which could on some occasions minimise the need to use the terrace and any resulting noise.
- 8.16 The proposal is therefore not considered to result in an adverse impact on the amenity of the adjoining properties.
- 8.17 **Sustainable Transport:**
No car parking is provided on-site; however, any additional parking demand that does arise would be managed in this location by the surrounding Controlled Parking Zone. No objections are therefore raised on this basis.
- 8.18 SPD14 requires one cycle parking space per two bedrooms or three spaces in this instance. The applicant has shown cycle parking under the stairs at ground and first floor levels. The area is constrained and not necessarily convenient to access as required by Brighton & Hove Local Plan policy TR14. However, the limitations of the site are recognised and as such no further details are requested in this instance. The parking areas shown on the plans will be secured by condition.

9. EQUALITIES

- 9.1 None identified.



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 13th December 2017

COUNCILLOR REPRESENTATION

Ref: BH2017/03214 33 Baker Street Brighton BN1 4JN
Date: 11 October 2017

Dear Helen,

I see you are listed as planning officer for this retrospective application. Given the shortage of family housing in the city, density of HMOs in the ward that has led to article 4 designation, and that this is a retrospective application, can I, and also on behalf of my fellow ward councillors Cllrs Deane and Greenbaum, lodge our objection to this proposal.

If it is that you are minded to grant the application, may I request that it is put before the planning committee for determination.

Many thanks

Pete West

Councillor Pete West

Information on Pre-application Presentations and Requests 2017

Date	Address	Ward	Proposal	Update
TBC	Land at Goldstone Street, Hove	Goldsmid	Erection of office building.	
TBC	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed use development comprising circa 600-650 residential units and 6000sqm of commercial floorspace (office / light industrial / retail / A3).	
9 th January 2018 or 6 th February 2018 requested	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCl enhancements, accesses from highway, landscaping and parking.	
12 th December 2017 or 9 January 2018 requested	29 – 31 New Church Road, Hove	Westbourne	Mixed use development.	
12 th December 2017	King's House, Grand Avenue, Hove	Central Hove	Part demolition, conversion and construction of new buildings to provide 180 residential units.	
7 th November 2017	Former Amex House. Edward Street Quarter,	Queens's Park	Redevelopment for 200 residential units and commercial floor space.	

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

	Brighton			
20 th June 2017	Land Off Overdown Rise and Mile Oak Road, Portslade	North Portslade	Outline development with all matters reserved other than access for the erection of 125 dwellings along with associated access, open space, landscaping and parking.	Application BH2017/02410 granted 10/10/17.
20 th June 2017	St Aubyns School, 76 High Street, Rottingdean	Rottingdean Coastal	Re-development of school campus and part of school playing field.	Applications BH2017/02680 & BH2017/02681 submitted 06/09/17.
11 th April 2017	Former Lectern PH, 2-6 Pelham Terrace, Brighton	Moulsecoomb & Bevendean	Redevelopment to provide student housing scheme comprising circa 228 studio rooms together with ancillary support accommodation at ground floor and 2 commercial units (café and retail) fronting Lewes Road.	Application BH2017/02156 submitted 07/07/2017.
7 th February 2017	189 Kingsway, Hove (former Sackville Hotel)	Westbourne	Construction of 8 storey residential block.	Application BH2017/01108 granted 14/11/2017.
7 th February 2017	60-62 & 65 Gladstone Place, Brighton	Hanover & Elm Grove	Redevelopment to provide mixed, student and residential scheme.	Awaiting submission of application.
10 th January 2017	West Blatchington Primary School, Hangleton Way, Hove	Hangleton & Knoll	Redevelopment to provide new secondary school and junior school.	Application BH2017/01891 minded to grant at Planning Committee 13/09/2017.

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2017/00764

194 Church Road Hove BN3 2DJ

Erection of single storey rear extension. (Part retrospective)

APPEAL IN PROGRESS

16/10/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2016/06360

5A Wellington Road Brighton BN2 3AB

Demolition of existing dwelling and erection of three-storey block containing 2no one-bedroom flats and 3no two-bedroom flats.

APPEAL IN PROGRESS

25/10/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2017/00951

60 Lynton Street Brighton BN2 9XR

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and insertion of 2no front rooflights.

APPEAL IN PROGRESS

12/10/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

HANOVER AND ELM GROVE

BH2017/01633

9 Whichelo Place Brighton BN2 9XE

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4) (retrospective).

APPEAL IN PROGRESS

25/10/2017

<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/01420
<u>ADDRESS</u>	33 Hillside Brighton BN2 4TF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom house in multiple occupation (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/10/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/02168
<u>ADDRESS</u>	103 Halland Road Brighton BN2 4PG
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom house in multiple occupation (Sui Generis) with creation of cycle storage.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/10/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	6 Nyetimber Hill Brighton BN2 4TL
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/10/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	6 Nyetimber Hill Brighton BN2 4TL
<u>DEVELOPMENT DESCRIPTION</u>	Without planning permission a material change of use from a House in Multiple Occupation (C4) to a 7 bedroom large House in Multiple Occupation (Sui Generis)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/10/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	NORTH PORTSLADE

APPEALAPPNUMBER BH2017/01185
ADDRESS 20 Graham Avenue Portslade BN41
2WL
DEVELOPMENT DESCRIPTION Dormer window to south west side roof
elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 31/10/2017
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2017/00571
ADDRESS 83 Ditchling Rise Brighton BN1 4QP
DEVELOPMENT DESCRIPTION Erection of single storey rear
extension. Roof alterations
incorporating rear dormer and
rooflights to front and rear. Alterations
to fenestration.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/10/2017
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2016/05716
ADDRESS Sealife Centre Madeira Drive Brighton
BN2 1TB
DEVELOPMENT DESCRIPTION Display of non-illuminated fascia signs
and directional signs. (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 07/11/2017
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2016/05717
ADDRESS Sealife Centre Madeira Drive Brighton
BN2 1TB
DEVELOPMENT DESCRIPTION Installation of 8no advertisement signs
to North, East and South elevations of
forecourt. (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 07/11/2017
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2016/05530
ADDRESS Land South Of Ovingdean Road
Brighton

<u>DEVELOPMENT DESCRIPTION</u>	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	20/10/2017
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2016/06071
<u>ADDRESS</u>	83 Roundhill Crescent Brighton BN2 3GP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey ground floor rear extension, creation of staircase for access from ground floor to garden level and walkway for access from first floor to garden. Roof alterations incorporating rear dormer, front and rear rooflights. Revised fenestration and alterations to boundary wall with other associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/10/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2016/06218
<u>ADDRESS</u>	27 Crescent Road Brighton BN2 3RP
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing timber sash windows with UPVC sash windows to front elevation. (Part Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	31/10/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2017/00645
<u>ADDRESS</u>	33 Baker Street Brighton BN1 4JN

DEVELOPMENT DESCRIPTION

Change of use from two bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/10/2017

APPLICATION DECISION LEVEL

Delegated

PLANNING COMMITTEE: 13th December 2017

Agenda Item 90

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:	BH2016/05530
Description:	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	24.04.2018 at Council Chamber, Hove Town Hall.
Site Location:	Land South Of Ovingdean Road, Brighton

APPEAL DECISIONS

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APPEAL DISMISSED (delegated decision)

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APPEAL ALLOWED (delegated decision)



Appeal Decision

Site visit made on 19 September 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 23rd October 2017

Appeal Ref: APP/Q1445/W/17/3176467

79 Trafalgar Road, Portslade, BN41 1GU

- 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 Olivia Olorenshaw against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05579, dated 6th October 2016, was refused by notice dated 14 March 2017.
 - The development proposed is conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations at 79 Trafalgar Road, Portslade, BN41 1GU in accordance with the terms of the application, Ref BH2016/05579, dated 6 October 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, 700 01 B.
 - 3) Unless differences are shown on the approved plans the external finishes of the development hereby shall match in material, colour, style, bonding and texture those of the existing building.
 - 4) The development hereby approved shall not be occupied until the front and rear lightwells and external staircase, as shown on plan number 700 01 B have been completed; and all new windows and doors have been constructed and installed in the locations identified on the approved plans.
 - 5) Details of the railings and balustrades, including glazing, surrounding the front and rear lightwells shall be submitted to and approved by the local planning authority in writing. The development hereby approved shall not be occupied until the railings and balustrading have been installed in accordance with the details approved under the terms of this condition, and once installed shall be retained thereafter.

Procedural Matter

2. The Council altered the description from 'change of use from basement to one bedroom flat' to 'conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations'. This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issue

3. The effect of the development on the living conditions of future occupiers, with particular regard to whether the proposed unit would have an acceptable outlook.

Reasons

4. The proposed residential accommodation would be served by windows to all habitable rooms and the parties agree that it would have sufficient natural light. The main living area would be at the front of the unit, with a front door that opens out on to an enlarged front light-well, with a staircase that leads up to street level.
5. Both the rear bedroom and kitchen area would have doors that open out on to a new sunken patio area which would be created to serve the new dwelling. I accept that the outlook from these rooms and within the patio itself would be limited as it is enclosed by walls. However, the rooms in question would be secondary living areas, principally used for cooking and sleeping. The main living area would be the front room. The Council consider that the outlook from this area would be sufficient and I concur with this assessment.
6. Notwithstanding its limited outlook, the rear patio area would be of a size that would provide functional external amenity space for future occupiers of the flat. In my opinion, the internal layout and total amount of living space provided is of a good standard for a one bedroom flat. These considerations weigh in favour of the proposal, and compensate for the limited outlook from the windows on the rear elevation.
7. Saved policy QD27 of the Brighton and Hove Local Plan 2005 ("Local Plan") states that permission will not be granted for proposals where they result in a loss of amenity to proposed residents or where it is liable to be detrimental to human health. Considering the proposal as a whole I find that it would provide a good standard of amenity for future occupants. The limited outlook to the unit is compensated by its overall size and the provision of external amenity space; and no part of the unit would so gloomy and oppressive that it would be harmful to human health. As such, there is no conflict with policy QD27 of the Local Plan or the relevant parts of the National Planning Policy Framework that require new development to provide a good standard of residential amenity.

Conditions

8. Conditions are necessary to comply with the relevant statutory requirements [1], in the interests of certainty [2]; to ensure that the finished appearance of the development is consistent with the appearance of the host building and the character and appearance of the surrounding area [3]; also to ensure that the development provides acceptable living conditions for future occupants [4].

9. A condition [5] is also necessary to ensure that details of the railings to the front lightwells are approved by the Council. The appearance of these railings is not shown in detail on the plans and their approval is necessary to ensure their appearance is appropriate in terms of the character and appearance of the surrounding area. Details of the rear balustrading, including the type of glazing to be used, are also required to ensure the sunken patio area is not overlooked from the garden of the ground floor flat, to provide acceptable living conditions of future occupants of the development.
10. The external space within the lightwells to the front and rear could provide space for cycle parking for future occupants if it is desired. Consequently, on this occasion a condition requiring further details of cycle parking would not be necessary to make the proposed development acceptable in planning terms.

Conclusion

11. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed subject to the conditions set out above.

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 16 October 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 26 October 2017

Appeal Ref: APP/Q1445/W/17/3173921

31 Selborne Road, Hove BN3 3AL

- 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 Hardwick Hartley Partnership against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05845, dated 20 October 2016, was refused by notice dated 14 March 2017.
 - The development proposed is described as a "*single storey rear extension to provide dining/garden room to existing lower ground floor studio flat*".
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to provide dining/garden room to existing lower ground floor studio flat at 31 Selborne Road, Hove BN3 3AL in accordance with the terms of the application, Ref BH2016/05845, dated 20 October 2016, subject to the following conditions: -
 - (a) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 599/03A and 599/07.
 - (c) The materials to be used for the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on the character and appearance of the existing building and the area and the living conditions of the occupiers of the rear basement flat.

Reasons

Character and appearance

3. I observed that there are a number of two-storey extensions to the rear of the buildings in close proximity to the appeal site, including a two storey extension at the adjacent property, No 29 Selborne Road (No 29). That neighbouring extension projects a short distance beyond the side elevation of the original building. In comparison, the proposed extension would be single storey but it

- would be of a similar length to that of the extension at No 29 and would also project a short distance beyond the side elevation of the original building.
4. The proposed extension would be positioned adjacent to the existing three storey rear bay window feature. That said, I observed that other existing rear extensions close by have also been constructed close to their rear bay features, including that of No 29. Whilst I accept the proposed extension would, to some extent, visually compete with the bay, this would only take place at lower ground floor level.
 5. The Council is concerned that the proposed extension would be excessively long compared to the depth of the original building. However, I do not consider it would be visually out of keeping with the context of the area that hosts large rear extensions in much the same position and relationship to their original buildings as that proposed here. I therefore cannot conclude that the extension would be overly prominent or of unsympathetic scale and siting taking into consideration the greater visual impact of other extensions to the buildings in the area.
 6. The proposal falls within the designated Willett Estate Conservation Area (WECA). In accordance with paragraph 132 of the National Planning Policy Framework (the Framework) I must give great weight to the assets conservation. The Council has not explained how the proposed extension would impact this designated asset. However, for those reasons set out above, I consider the proposed extension would not have a significant effect and would preserve the character and appearance of the WECA.
 7. Overall, I conclude that the proposed development would not harm the character and appearance of the existing building and the area. For the reasons given, the proposed development would not materially conflict with Policy CP15 of the City Plan Part One and Policy QD14 of the Brighton and Hove Local Plan. These policies seek to conserve and enhance the city's historic environment and to ensure that extensions are well designed in relation to the property to be extended, adjoining properties and to the surrounding area, amongst other matters.
 8. I acknowledge that the proposed extension would not conform strictly to all of the guidance set out within Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) 2013. However, my considerations in this case take into regard the particular circumstances of the appeal site and the context of surrounding existing development.

Living conditions

9. I acknowledge that the rear extension would be visible in outlook from the main living space within the host studio flat, and in particular in outlook from the southern splayed window in the bay. Nonetheless, the fully glazed patio style doors in the western elevation of the bay and, to some extent, the easterly splayed bay window, would provide outlook toward the good sized rear garden and patio. Whilst the extension would be noticeable in outlook to the occupiers of this flat, it would not, in my opinion, be so visually prominent or intrusive given its single storey height. I accept that daylight would be reduced to the southern splayed window in the bay but I consider the glazed doors and easterly splayed bay window would ensure adequate daylight to the internal living space.

10. I am therefore not persuaded, on the basis of the evidence before me that harm to the living conditions of the occupiers of the rear basement flat would occur as a result of the proposed extension. For the reasons given, the proposed development would not materially conflict with Policy QD27 of the Brighton and Hove Local Plan that seeks to protect the amenity of existing residents and/or occupiers, amongst other matters.

Other Matters

11. Local concern has been raised to the proposal. No new windows would be created in the southern elevation of the existing building or the new extension that would create overlooking toward the adjoining property. Given the limited height of the proposed extension and its relationship with adjoining residential properties the effect upon daylight reaching neighbouring properties would not be significant, in my judgement.
12. I have also considered the concerns raised in respect of parking in the area. I note that the Council did not raise parking as an issue. In any event the proposal relates to an extension to an existing studio flat and I do not consider this would lead to a significant increase in parking demand.
13. In reaching my decision, I have also taken into account potential damage to adjoining properties, problems relating to rubbish and property values. There is no substantive evidence before me that would indicate damage to other properties would occur or that problems relating to refuse would take place.
14. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

15. I have considered what planning conditions would be appropriate in light of paragraph 206 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area.
16. The Council has suggested a condition requiring the windows in the north elevation of the extension to be obscure glazed and non-opening to safeguard the privacy of the adjoining occupiers. The Council's officer report indicates that the concern relates to views toward the windows in the southern flank wall of the rear extension at No 35 Selbourne Road. However, given the separation between that extension and the proposed development, I do not consider the extent of observation from the proposed extension would cause substantial harm to the living conditions of the occupiers of that property.

Conclusions

17. For the reasons given above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 26 October 2017

Appeal Ref: APP/Q1445/W/17/3180097 387 Portland Road, Hove BN3 5SG

- 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 Stephen Hardwick against Brighton & Hove City Council.
 - The application Ref BH2017/00758, is dated 3 March 2017.
 - The development proposed is change of use of an existing C4 House in Multiple Occupation to a Sui Generis Large House in Multiple Occupation.
-

Decision

1. The appeal is dismissed and planning permission for change of use of an existing C4 House in Multiple Occupation (HMO) to a Sui Generis Large HMO is refused.

Preliminary Matters

2. Internal building works within the ground floor rear room were underway at the appeal site at the time of my visit. From what I observed those works were in a different position to those internal ground floor works subject to this appealed development. For the purposes of clarity I have considered and determined this appeal on the basis of the proposed layout as shown on drawing number 246/04.

Main Issue

3. This appeal has been lodged following the Council's failure to determine the planning application. The Council in their appeal statement has put forward a reason for refusal had it been in a position to determine the application. The proposal would involve the conversion of the existing living room into a bedroom. This would reduce the shared communal space within this HMO for both existing and future occupiers. Although it is also proposed to enlarge the kitchen the Council consider that occupiers of a seven bedroom HMO that could be occupied by up to fourteen unrelated adults would not be provided with an acceptable standard of accommodation.
4. I therefore consider the main issue relating to this appeal is whether the development provides acceptable living conditions for its occupiers.

Reasons

5. The property is subject to a HMO licence under separate provisions to those of the planning system. The local planning authority has not adopted space

standards for HMOs for planning purposes. However, the appellant asserts that the seventh bedroom and communal space meets the only relevant room size standards adopted by the local planning authority under saved Local Plan Policy HO14. That policy relates to standards set out in the Housing Acts. The appellant contends that this policy should be given weight in planning decisions. Nonetheless, the Council asserts that the local planning authority seeks to secure a higher standard of accommodation which would ensure good quality living conditions for occupiers than that of the bare minimum fit for human habitation as secured by the licencing requirements.

6. The proposal would involve the conversion of the existing living room to a bedroom and the enlargement of the existing kitchen. The Council has indicated that the resulting size of the kitchen would be 12m² but this space would also incorporate work surfaces and cupboards so the usable floor space would be less. Nevertheless, the space could accommodate a small dining table.
7. The appellant argues that the HMO would not be occupied by more than seven people. This level of occupancy could be controlled either by planning condition or through licensing controls. It is unlikely that all occupants, whether that is seven or fourteen, would want to use the kitchen and eating area at the same time. However, there would be no space other than the kitchen for sitting, relaxing and socialising. The limited space within the kitchen would not comfortably accommodate groups of occupiers and certainly would not accommodate up to seven people at any one time. Overall the communal living space for the occupants of the property would be extremely limited and the kitchen would not function as a communal space.
8. I note that each bedroom contains a kitchenette and en-suite bathroom, which allows for an element of independent living. However, these rooms are not adequate in terms of size to facilitate an independent flat. The existing living room would be the main communal living space for the occupiers. Without such a space occupiers would be largely confined to their bedrooms. I do not consider this would ensure good quality living conditions for future occupiers.
9. The appellant has highlighted that the appeal property would provide 191m² of internal floor space that would exceed the minimum standard set for a six bedroom, seven to eight-person, three-storey property as required by the national technical housing standards. However, these standards are set for new build housing and consequently can only carry limited weight in the planning consideration of this case. As set out above, I find the living accommodation inadequate in this instance.
10. For these above reasons, I conclude that the proposed development would not provide acceptable living conditions for the occupiers. As such, the proposal is contrary to Policy QD27 of the Brighton and Hove Local Plan that seeks to ensure adequate living conditions for occupiers of properties.

Conclusions

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

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 31 October 2017

Appeal Ref: APP/Q1445/W/17/3177592
16 Hollingbury Place, Brighton BN1 7GE

- 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 David Bean of Nordstar Property Co Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/06564, is dated 21 December 2016.
 - The development proposed is redevelopment of the existing property to provide 3no residential units, including associated extensions and alterations.
-

Decision

1. The appeal is dismissed and planning permission for the redevelopment of the existing property to provide 3no residential units, including associated extensions and alterations, is refused.

Main Issues

2. This appeal has been lodged following the Council's failure to determine the application. The Council in its appeal statement has put forward reasons for refusal had it been in a position to determine the application. These relate to the size and appearance of the extensions and alterations to the building and the effect the proposed development would have upon the occupiers of the adjoining property at No 118 Roedale Road (No 118).
3. I therefore consider the main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of adjoining occupiers.

Reasons

Character and appearance of the area

4. To the eastern side of Roedale Road the terrace properties have a uniform appearance and a gentle stagger to their roof heights as they rise northward following the topography of the land. The dwellings to the rear of the appeal site along the southern side of Hollingbury Place are a mix of single and two storeys. This gives the development along this road frontage a more varied appearance.
5. The proposed development would raise the roof considerably higher than that of the adjoining terrace properties along Roedale Road. The roof would also

- incorporate hips. In addition, the proposal would create a three storey projecting feature incorporating a hipped gable roof of significant size and projection at the corner.
6. I acknowledged that there is a variety of roof forms in the area and that, due to the topography of the land, the ridge heights of properties along differing road frontages will be higher than others. However, the properties along Roedale Road have an uninterrupted continuity to their gabled pitched roofs, ridges and eaves. The excessive height of the building, front corner projection and hipped and pitched roofs, would markedly contrast to the form of the terraced properties at Roedale Road, including their roofscapes. The contrived roof form would be out of keeping with the scale, ridge and eaves lines and the simple appearance of these terraced properties. Despite the additional bulk of the roof form having a setback, its increased height would be prominently visible from the adjoining highways. As a result the proposed development would detract from the uniformity of the Roedale Road streetscene and would appear as an incongruous development at the end of this road.
 7. I observed that the properties in the area are mainly two storey. The proposed development would be three storey, although the second storey would occupy the space within the roofslopes. Whilst I do not consider the footprint of the proposed development would be disproportionate to that of other terraces in the area, the height and scale of the building would be noticeably larger. Although hipped gable features are proposed to provide visual contrast within the façade of the proposed development, this does not deflect from the overall visual size and mass of the resulting building. As a result the proposed development would appear out of keeping with the properties in the area.
 8. The Council is concerned that the proposed development would have a disjointed and convoluted appearance because of the differing heights and integration of two different roof forms. I share this view. Furthermore, concern is also expressed about the gables and the variety of window sizes and detailing. Overall the proposed development, particularly with the corner projection, differing roof forms and numerous windows would, in my opinion, have a cluttered appearance.
 9. Taking these matters collectively, the proposed development would be a discordant development in this location and would be visually harmful to the appearance of this area, despite the proposed development maintaining a similar front building line as that of existing adjoining dwellings. This visual harm would be extremely prominent in views from the adjacent highway junction and surrounding public highways. The harm would also be clearly visible in the outlook of adjoining occupiers.
 10. I note that under separate permitted development rights and the prior notification process the existing building can be converted to residential use. I also acknowledge that the National Planning Policy Framework (the Framework) makes it clear that planning decisions should not attempt to impose architectural styles or particular taste. However, I do not consider the potential alternative residential use of the building or the design in this case is particularly original or sufficiently innovative to justify the proposal.
 11. I have been referred to other developments in the area but I have not been directed to precise locations or addresses. Whilst there may be examples of three storey development within the wider area and at corner locations this

does not obviate the requirement to consider this proposed development in the context of its immediate surrounding environment.

12. For the above reasons the proposed development would be harmful to the character and appearance of the area and would be contrary to Policy CP12 of the Brighton and Hove City Plan Part One which seeks development to have a strong sense of place and to respect the urban grain, amongst other matters. The proposal would also conflict with paragraphs 17 and 58 of the Framework that aim to ensure development takes into account local character.

Living conditions of adjoining occupiers

13. No 118 is positioned at a lower land level to that of the appeal site and land to its west. To the rear of this property there is a conservatory together with outdoor open living space. The existing two storey flat roof extension running alongside Hollingbury Place to the rear of the appeal property projects a considerable distance beyond the rear building line of No 118. As a result the rear living environment of No 118 is to some extent enclosed to its northern side by the existing development at the appeal site.
14. I note that the proposal would reduce the eaves height of the rear projection by approximately 0.4 metres and that the proposed roof would pitch away from No 118. The proposal would also be stepped in along the full length of the common boundary with this adjoining property which is not the case presently. Notwithstanding this, the proposed development would increase the length of development adjacent to No 118. It would also increase the roof height of the original building positioned at the corner. Although the proposed development would be stepped in from the common boundary by a short distance, the increase in size of the proposed development would be clearly visible to the occupiers of No 118.
15. The proposed development by reason of its increased height, length and close proximity would be significantly more dominant in the outlook from habitable rooms and the rear outdoor space of No 118 than that of the existing development. These habitable living spaces are places in which the occupiers are likely to spend a reasonable amount of their time. I therefore find that the proposal would have an increased harmful dominating and enclosing impact upon the living environment of the adjoining occupiers at No 118 and would diminish the residential enjoyment of their home.
16. In addition to the above I observed on site that No 18 Hollingbury Place (No 18), positioned just beyond the rear boundary of No 118, is also situated at an elevated land level to that of the rear living environment of No 118. That property is also clear in the outlook of No 118. Increasing the length of built development at the rear of the appeal site and reducing the gap between it and No 18 would compound the sense of enclosure experienced by the occupiers of No 118.
17. Given the orientation of the appeal property to No 118 I do not consider the proposed development would significantly overshadow No 118 or that increased overlooking would occur as a result of the proposed development.
18. For the above reasons the proposed development would be harmful to the living conditions of adjoining occupiers and would be contrary to Policy QD27 of the Brighton and Hove Local Plan. This policy seeks to prevent development

that would cause nuisance and loss of amenity to the existing and/or adjacent residents/occupiers, amongst other matters.

Other Matters

19. I have been referred to the sustainable dimensions of the Framework. The proposed development would support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. Construction costs would contribute to the local economy and provide employment during construction. The proposal would make beneficial use of a previously developed windfall site and provide three needed high quality family units within a sustainable location in the City. The appeal site would be within easy walking distance of shops, services and facilities, as well as bus and train services that would provide sustainable transport options. The appellant considers that the Council would also benefit from income from the new homes bonus, as well as annual council tax. The new occupiers would also support the existing local facilities and contribute to the spend in the local economy. The proposal would contribute toward the City's targets for housing delivery in a location where there is policy support for additional houses. However, given that the proposal is only for three dwellings, I attach moderate weight to these social and economic benefits.
20. The proposed accommodation would accord with national size guidance and cycle parking and waste storage provision would be provided for future occupiers. The occupiers of the ground floor flat would have access to a private outdoor space. I acknowledge that the proposal may also assist in reducing antisocial behaviour and fly-tipping within the area around the existing building. I accept these would be benefits of the proposed scheme.
21. Notwithstanding all this, the proposed development would cause substantial harm to the character and appearance of the area and to the living conditions of the adjoining occupiers placing it in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the identified environmental harm. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
22. The appellant's statement makes reference to a nearby listed building and area that is defined as a conservation area. However, the Council's completed questionnaire indicates that the site is not in or adjacent to a conservation area or would affect the setting of a listed building.

Conclusions

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

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **N A Holdsworth MCD MRTPI**

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

Decision date: 2nd November 2017

Appeal Ref: APP/Q1445/D/17/3181071

19 Shirley Drive, Hove, BN3 6NQ

- 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 Paul Sherman against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01223, dated 5 April 2017, was refused by notice dated 30 May 2017.
 - The development proposed is First floor extension over existing garage. New Porches to front and rear/side elevation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the development on
 - i) the character and appearance of the area; and
 - ii) the living conditions of occupants of existing residential buildings, with particular regard to whether an unacceptable loss of light would occur to no. 21 Shirley Drive.

Reasons

Character and Appearance.

3. The appeal building forms part of a group of large residential buildings facing Shirley Drive. The properties differ in their appearance and design, however they follow a fairly consistent building line being set back from the road behind large front garden areas.
4. At present there is a gap between the existing garage of the appeal building and the boundary with no.21 Shirley Drive ("no.21"). A similar gap exists between the boundary and the south facing elevation of no.21. This broadly symmetrical gap provides a strong setting for both buildings when viewed from the surrounding area.
5. The proposed first floor extension would be built on top of the existing single storey garage and would oversail the existing gap, bringing the extension to within around 0.3 m of the boundary of no.21. As such, the symmetry between the two buildings and the common boundary would be lost. In consequence, the extended building would appear dominant in relation to no.21 when viewed

from the front gardens of both properties and the road, diminishing the setting of the neighbouring building. I therefore consider that the development would result in an unacceptable loss of visual space between buildings, and would appear cramped in its immediate setting.

6. Whilst existing vegetation screens the two buildings from the road, this is susceptible to change over the lifetime of the development. It could not therefore be relied upon as a way of mitigating the harmful effects of the development in views from the surrounding area.
7. Notwithstanding the harm arising from the proximity of the extension close to the boundary with no.21 identified above, I consider the extensions would otherwise be acceptable in terms of their effect on the character and appearance of the host building. Because of its setback from the front elevation and materials used, the extension would be sufficiently differentiated from and subservient to the original building. The extensions would generally follow the established building line, and would not exceed the height of the host building. The extended building would exhibit a variety of roof forms, however none of the alterations proposed would depart substantially from the prevailing appearance of buildings found in the surrounding area. The extended building would appear as a large detached building which would in my view have a coherent and acceptable appearance in its own right.
8. The appellant contends that the proposals comply with the design principles for such extensions set out in Supplementary Planning Document 12 "*Design guide for extensions and alterations*" adopted 20 June 2013, and I have taken in to account the points raised in this regard. However, the harm I have identified relates to the specific context of the relationship between the appeal building and no.21. Compliance with elements of this supplementary planning guidance would not override conflict with the policies in the development plan, in the specific circumstances of this case.
9. To conclude, I consider that the proximity of the side extension to the boundary with no.21 means that the development would have an unacceptable relationship with this neighbouring property. This is due to the loss of visual space between buildings, leading to the creation of an extended building that appears cramped in its setting; which would consequently result in harm to the character and appearance of the area. The development therefore conflicts with saved policy QD14 of the Brighton and Hove Local Plan 2005 ("Local Plan") which requires that new development is well designed, sited and detailed in respect of buildings in the surrounding area, taking account of the existing space around buildings. There are no material planning considerations that would justify an exception to this development plan policy on this occasion.

Living conditions

10. The two storey extension would be visible from the front living room window and first floor bedroom window within the recessed front elevation of no.21. Whilst I have no detailed technical evidence before me, I consider that the bulk and siting of the extension is such that it is likely to breach the 45 degree rule in respect of these windows. Due to its location due south of the neighbouring building, it would obscure the path of the sun for parts of the day, resulting in a reduction in the amount of light coming through these windows.

11. However, both of the affected windows are located within rooms that are dual aspect. In the case of the ground floor lounge, there are also patio doors that out to the garden. The upper floor bedroom has a large window facing out to the rear garden area. I observed that these windows and doors have a good standard of natural light and unobstructed outlook, and the levels of light they receive would not be significantly affected by the proposed development.
12. As such, whilst the respective front windows would experience a loss of light as a consequence of the development, both windows and doors to the rear would continue to receive a good standard of light. On the basis of the evidence before me, no other windows within no.21 would be significantly affected by the proposed development. Overall, I consider that the total amount of natural light within each respective room and the property as a whole would be of a good standard, and there would be no significant loss of amenity through loss of daylight, sunlight or additional overshadowing that would result in material harm to living conditions. Consequently, there is no conflict with saved policy QD27 of the Local Plan and the relevant parts of the National Planning Policy Framework which require that new development ensures a good standard of amenity is provided for existing occupants of residential buildings.

Other Matters

13. The appellant draws attention to the approach taken in previous decisions by the Council in respect of the extensions to no.21. However, on the evidence before me the circumstances do not appear to be directly relevant to the elements of the appeal proposal which I have found to be unacceptable. I have considered the appeal on its merits, and on the basis of the appearance of the appeal building and neighbouring property at the time of the site visit.

Conclusion

14. I have found that the proposed development would not result in harm to the living conditions of the occupants of neighbouring residential buildings. However, the close proximity of the first floor extension to the shared boundary with no.21 means that the proposal would result in harm to the character and appearance of the area. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 16 October 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 2 November 2017

Appeal Ref: APP/Q1445/D/17/3183633

66 Saltdean Drive, Saltdean, Brighton BN2 8SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Vicky Scott against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02083, dated 20 June 2017, was refused by notice dated 5 September 2017.
 - The development proposed is dormer to front elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for dormer to front elevation at 66 Saltdean Drive, Saltdean, Brighton BN2 8SD in accordance with the terms of the application, Ref BH2017/02083, dated 20 June 2017, subject to the following conditions: -
 - (a) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos PO1, P02A, PO6C and P07C.
 - (c) The materials to be used for the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Ms Vicky Scott against Brighton & Hove City Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue raised in respect of the proposed development is the effect on the character and appearance of the building and the area.

Reasons

4. There is a variety of styles and designs of properties along Saltdean Drive. These incorporate a mix of roof forms that comprise front and side dormers of varying types, including flat, pitched roof and eyebrow dormers, along with pitched roof front gables incorporating windows.

5. The proposal relates to a modestly sized pitched roof dormer extension. It would be set in from the roof pitches either side and stepped up from the eaves. The dormer would be a relatively small addition to the frontage of the dwelling. Its size and proportions would not create a feature that would visually dominate the front roof slope.
6. I observed that the front roof slopes of the bungalows either side of the appeal property have not been interrupted. The immediate bungalows either side along with that of the appeal property form a small group of similarly designed dwellings. However, the size and positioning of the proposed dormer would be sympathetic to the host property and would not significantly alter the appearance this group. Whilst the ridge of the proposed dormer would match that of the host dwelling, I saw other examples of this along Saltdean Drive.
7. Whilst the dormer would be a new addition I do not consider that its size and height would cause significant visual harm to the character and appearance of the host building. I cannot conclude that the proposed dormer roof extension would be out of keeping taking into consideration those other dormer roof extensions and the variations in roof styles to the properties along Saltdean Drive.
8. Overall, I conclude that the proposed development would not harm the character and appearance of the building and the area. For the reasons given, the proposed development would not materially conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) 2013. These require the formulation of rooms in the roof to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, setting and local context, amongst other matters.

Conditions

9. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area.

Conclusions

10. For the reasons given above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR



Costs Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 2 November 2017

Costs application in relation to Appeal Ref: APP/Q1445/D/17/3183633 66 Saltdean Drive, Saltdean, Brighton BN2 8SD

- 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 Ms Vicky Scott for an award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for dormer to the front elevation.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 appellant contends that the Council has not addressed the points raised in the planning statement that supported the planning application. This highlighted planning permission precedents for street facing dormers along Saltdean Drive. It is also asserted that the Council has not substantiated its reason for refusal and that its decision taking has been inconsistent. It is claimed that Policy QD14 of the Brighton and Hove Local Plan 2005 and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) 2013 have been incorrectly quoted by the Council.
4. The appellant asserts that this is unreasonable behaviour and has caused the appellant unnecessary and wasted expense.
5. The Council's statement evaluates, although briefly, the proposed development in the context of the character and appearance of the immediate development. Whilst I note there are street facing dormers along Saltdean Drive it is clear to me that the Council is specifically concerned with the visual impact of the proposed development within the immediate context of the appeal site. This is a matter of judgement for the Council within the context of the above policy background and guidance.
6. I am satisfied that the application was considered on its own merit in light of Policy QD14 and SPD12 consideration of which require, amongst other matters, roof extensions to be well designed in relation to the property to be extended and adjoining properties. I am also satisfied that the Council has substantiated

its reason for refusal in these respects. The fact that I have arrived at a contrary view in relation to the proposal does not, of itself, show that the Council has behaved unreasonably.

7. I note the appellant's comment that the planning application was taken out of the hands of the case officer. Whilst the appellant may be aggrieved by the Council's handling of the planning application, I have no substantive evidence before me that would indicate that this has prejudiced the Council's consideration of the proposed development.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 16 October 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 2 November 2017

Appeal Ref: APP/Q1445/W/17/3179143

Land rear of 74 and 76 Greenways, Brighton BN2 7BL

- 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 Adam Smith of Atticus Developments LTD against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01199, is dated 5 April 2017.
 - The development proposed is erection of 4no semi-detached dwellings with associated new access driveway and parking.
-

Decision

1. The appeal is dismissed and planning permission for the erection of 4no semi-detached dwellings with associated new access driveway and parking is refused.

Main Issues

2. This appeal has been lodged following the Council's failure to determine the application. The Council, in its appeal statement, has put forward reasons for refusal had it been in a position to determine the application. These relate to the size and appearance of the proposed development and the effect the proposed development would have upon the living conditions of occupiers of the adjoining properties.
3. I therefore consider the main issues in this appeal are the effect that the proposed development would have on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of the occupiers of the existing dwellings at 72, 74, 76 and 78 Greenways, with regard to outlook and privacy; and
 - (c) The living conditions of the occupiers of the existing dwellings at 74 and 76 Greenways, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is within the settlement boundary of Ovingdean. There have been a small number of dwellings erected behind the existing road frontage

- development along this part of Greenways and Ainsworth Avenue. However, those developments that have taken place are set mostly within generous plots. The land to the rear of the existing road frontage development retains an open verdant character with space between and around dwellings.
5. The proposed development would be an intensive form of development and occupy almost the full width of the site. Due to the sitting of the proposed dwellings and closeness to the boundaries of the site, the development would appear squeezed into the site. For this reason the development would appear cramped. The proposal would therefore not reflect the loose pattern of development that characterises the existing development behind road frontages in this area.
 6. Further to the above, I acknowledge from the information provided on the plans that the ridge height of the proposed development would not exceed the ridge height of other properties behind the existing road frontages. Nonetheless, the first storeys of both buildings are of considerable width and height and would create a development of significant visual mass.
 7. Taking these matters collectively, the proposed development would not integrate well into the loose knit development to the rear of existing road frontage and would not maintain the verdant character of the area. The development would also be prominent in this location due to its elevated land level, height and width at first floor level, despite the development being set to some extent into the slope of the land.
 8. The proposed development would therefore be harmful to the character and appearance of the area. This visual harm would not be overcome by the use of traditional architecture or the design of the proposal incorporating contemporary windows and detailing. This harm would not only be visible from the adjoining public highway and residential occupiers close by, but it would also be clearly visible in views from the South Downs National Park (SDNP) to the west of the appeal site that is traversed by Public Rights of Way. The buildings would appear conspicuous due to their size and height even when viewed in the context of other housing located in Ainsworth Avenue positioned further up the slope of the land.
 9. Whilst existing boundary planting on neighbouring land would offer some screening, it would not be of sufficient height to screen the proposed development. The appellant has suggested that a planting scheme for the site could be required by planning condition. However, the scope for providing any meaningful mitigation planting that would screen the proposed development would be limited as tall trees or other vegetation would likely cause harm to the living conditions of adjoining occupiers. Having regard to paragraph 206 of the National Planning Policy Framework (the Framework) I do not consider such a condition would be reasonable to impose here.
 10. The appellant highlights that there are other Council policies that set standards for density but there are no specific policies relating to garden sizes. Whilst this may be the case the issue, as I see it, is not solely a question of density or garden sizes, but rather how the resulting dwellings manifest themselves in terms of the built form at the appeal site.
 11. My attention has been drawn to an extant planning permission for two detached houses at the appeal site (planning ref: BH2013/04327). I accept

the principle of residential development at the site has been established. The appellant asserts that the proposed development would have a similar scale and massing to that of the approved housing scheme and the ridges of adjacent houses. However, the ridge height of that approved scheme would be marginally lower and that scheme did not incorporate the amount of built development at first storey level as is proposed here. Therefore, the visual appearance of that development would be less pronounced.

12. I have also been referred to a scheme for four semi-detached dwellings at the appeal site that has been refused by the Council (Planning ref: BH2016/05006). The proposed development would reduce the scale of the dwellings and parking provision to that of the previous four dwelling scheme. Although this may be the case, the proposed development can and should be considered on its own merit.
13. Although the proposed development would be visible from the adjoining SDNP it would not encroach upon it. As such I consider the proposed development would have a neutral impact upon it. However, this does not obviate the visual harm of the proposed development in views from the SDNP that I have identified.
14. For those reasons set out further above, I consider the proposed development would harm the character and appearance of the area. It would be contrary to Policy CP12 of the Brighton & Hove City Plan Part One which seeks to raise the standard of design and to respect the character and urban grain. It would also conflict with the Framework which seeks to secure high quality design and to take account of the character of different areas.

Outlook and privacy

15. The proposed dwellings, although recessed into the slope of the land, would be at a higher land level to that of No's 72, 74, 76 and 78 Greenways. The size and scale of the proposed dwellings would be readily visible in outlook to the occupiers of these adjoining properties and from their rear gardens. The buildings would be unduly obtrusive and dominant in their outlook. I consider the proposal would have a harmfully oppressive effect on the occupiers of these existing adjoining dwellings.
16. In addition the scheme proposes living rooms at first floor with outlook from each these living rooms provided by large windows. The relationship of No's 72, 74, 76 and 78 Greenways would result in overlooking and loss of privacy both to their rear habitable rooms and gardens.
17. I note that the previous two dwelling scheme has been considered acceptable to the Council in terms of outlook and privacy. Whilst the proposed scheme would have a similar relationship to adjoining existing properties, the amount of built development at first storey would be greater than that of the two dwelling scheme and would increase overlooking from habitable living space at an elevated level. This intensification of elevated built development and overlooking at the appeal site would, in my opinion, cause significant more harm than that of two dwellings.
18. For the above reasons, I consider that the proposed development would harm the living conditions of the occupiers of the existing dwellings at 72, 74, 76 and 78 Greenways with regard to outlook and privacy. The development would be

contrary to Policies SU10 and QD27 of the Brighton & Hove Local Plan which aim to resist proposals that would cause loss of amenity to adjacent occupiers and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Noise and disturbance

19. Both adjoining dwellings at No's 74 and 76 Greenways are positioned close to the side boundaries of their plots and therefore in close proximity to the proposed access. Both properties have windows in their side elevations that serve internal living spaces.
20. I consider the proposed development would result in the increased vehicular and pedestrian movements by occupiers of four new households and service providers between the existing properties in close proximity to their windows, as well as to the back gardens of these neighbouring properties. The access would, therefore, be used more intensively throughout the day and into the evening than that of residential garden land or the occupiers of two dwellings at the appeal site even if the same number of parking spaces were to be provided. Vehicle noise, even at slow speed, and associated disturbance would impinge to an unacceptable degree on the tranquillity currently enjoyed by adjacent occupiers.
21. Although there is ambient background noise in the area generated by traffic using Marine Drive (A259) I have no substantive evidence before me that might persuade me that the noise from that traffic would mitigate or justify the harm to the adjoining occupiers that I have identified above.
22. For the above reasons, I consider that the proposed development would harm the living conditions of the occupiers of the existing dwellings at 74 and 76 Greenways with regard to noise and disturbance. The development would be contrary to Policies SU10 and QD27 of the Brighton & Hove Local Plan which aim to resist proposals that would cause loss of amenity to adjacent occupiers and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

23. I have been referred to the sustainable dimensions of the Framework.
24. The proposal would make more efficient use of this small windfall site and provide four needed high quality family homes. The development is in a location that is accessible to bus services, the coastal cycle route and footpath links to Brighton, Rotting dean and the local countryside. In addition, the dwellings would accord with national technical housing standards and cycle parking and waste storage would be provided for future occupiers. All units would have access to a private outdoor space and the units would maximise levels of natural light. The scheme would incorporate sustainable construction features and accord with Building Regulations and other standards ensuring accessibility for disabled residents. I accept that the appeal site is not listed, locally listed or located either within Ovingdean Conservation Area or the SDNP and that there are no Tree Preservation Orders pertaining to the site. I accept these would be benefits of the proposed scheme. However, given that the proposal is only for four dwellings, I attach moderate weight to these benefits.

25. Notwithstanding the above, the proposed development would cause substantial harm to the character and appearance of the area and to the living conditions of the adjoining occupiers, placing it in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the identified environmental harm. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
26. A number of local residents raise a series of other concerns about the proposal but in view of my conclusions on the main issues there is no need for me to address these in the current decision.

Conclusions

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

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 24 October 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 3 November 2017

Appeal Ref: APP/Q1445/W/17/3178481

47 Islingword Road, Brighton BN2 9SF

- 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 Mrs Beatrice Dorman against Brighton & Hove City Council.
 - The application Ref BH2018/06323, is dated 2 December 2016.
 - The development proposed is change of use from six-bedroom house in multiple occupation (C4) to seven-bedroom house in multiple occupation (Sui Generis) with associated alterations.
-

Decision

1. I allow the appeal and grant planning permission for change of use from six-bedroom house in multiple occupation (C4) to seven-bedroom house in multiple occupation (Sui Generis) with associated alterations at 47 Islingword Road, Brighton BN2 9SF in accordance with the terms of the application, Ref BH2018/06323, dated 2 December 2016, and the plans submitted with it, subject to conditions 1) to 4) on the attached schedule.

Reasons

2. Whilst the Council did not make a decision within the prescribed period, it is clear from their Appeal Statement that had they done so, a refusal would have been issued based on two of the bedrooms providing cramped and oppressive living accommodation; the layout also providing little in the way of communal living areas, with a small kitchen which was considered insufficient for up to 9 occupants; and a cramped and gloomy lounge/diner. The Statement continues with the view that the living accommodation was considered to be detrimental to the amenity of current and future occupiers and contrary to the objectives of Policy QD27 of the Brighton and Hove Local Plan. The main issue at appeal is therefore whether the alterations which have been carried out provide acceptable living conditions, having regard to the Development Plan and other material considerations.
3. Policy QD27 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The Council has confirmed that there would be no adverse effect or policy objection to the change with regard to the local area, concentration of uses or other issues.

4. The Council also refers to the '*Nationally Described Space Standards*' published by the Department of Communities and Local Government, which states that a single room should have a minimum of 7.5m² of usable floor space, and compares this with two of the bedrooms which measure 7.1m². The appellant points out that this standard is concerned with new-build and that the two bedrooms in question are unaltered from the lawful Class C4 use. It appears that Inspectors considering similar appeals in the City have voiced support for the standards, but they have not been adopted into local policy or a Supplementary Planning Document, and hence are a material consideration only. The Council states that they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture such as a bed, wardrobe and chest of drawers/desk have been installed.
5. Looking first at the bedrooms, the failure against the standards is a limited one and does not appear to have resulted from the change of use, although the re-arrangement of sanitary accommodation to serve additional occupiers has altered the size of other bedrooms, but they do still comply. Having regard to the concern about installing furniture and having useable space left, it is noted that each room has an elegantly designed and well-built fitted unit providing a desk, hanging space and other storage, and this is more efficient in the use of space than the individual items referred to by the Council. Having visited each room and assessed how it is being used in practice, it is concluded that they are fit for their purpose, provide a good quality of accommodation and accord with Policy QD27 as the change of use does not cause material nuisance and loss of amenity to the proposed, existing or adjacent users, residents, occupiers.
6. The arrangement of the lower ground floor containing the lounge, dining area and kitchen, all as one room, does not appear to have changed markedly from that for the previous Class C4 use, although it is noted that an enclosure and fire door has been built around the foot of the stair from the entrance hallway, and this is not shown on the submitted drawing SG.01.
7. The double-banked galley kitchen has a narrow central space which also provides access to outside, but has a good amount of clear worktop area with two tall fridge/freezers, a double sink and drainer and a wide range-cooker. There appears sufficient space for different people to be carrying out likely tasks. The breakfast bar can clearly accommodate 4 people on the side away from the freezers and 3 adjacent to them, and there is room for the remaining 2 at the end. The lounge area may be tight for 9 people, but not unduly so and there would be space to use the breakfast bar area and seating.
8. All of the forgoing assumes all 9 people wish to do the same things at the same time, but as the appellant states, there is bound to be some diversity of use, and at the time of the site inspection some occupiers were clearly out whilst others were not yet up-and-about. As to the outlook, the room is below pavement level, but is reasonably well-lit and has the stated access to the outside space adjacent to the Cobden Road footway. It is concluded that the accommodation does reach the standard sought in Policy QD27.

Conditions

9. The Council has suggested conditions and the appellant has commented to the effect that permitted development rights need not be removed. Whilst the

web-based Planning Practice Guidance states that removal of such rights rarely passes the test of necessity, it is the case here that the Council has raised no objection with regard to the effect on the surrounding area, but further development could cause harm and it is necessary in this situation to remove the rights so that consideration can be given to any application for express permission.

10. The reasoning that leads to this Decision has been based on there being 9 people in occupation, since two of the rooms are capable of accommodating a double bed. The appellant's case has always been that this is what is applied for. There is therefore no reason to restrict the occupancy below that figure. It is necessary however to preserve the use of the communal space to avoid conversion to a further bedroom.
11. Whilst there is a need for a condition to ensure the provision of cycle storage, and the appellant pointed to the area for a future bin store, the change of use has been carried out and occupation has occurred. A more complete condition is required to address any default. In any event, the stated requirement for the scheme to have been approved within 3 months is unreasonable as that action by the Council is beyond the appellant's control.
12. The condition naming the drawings is not required as the provisions for greater flexibility in planning permissions does not apply to retrospective permissions.

Conclusions

13. The nature of the rooms and fitted furniture provided, and of the communal facilities, lead to the conclusion that the change of use to up to 9 people in 7 rooms would not cause harm to their living conditions and would accord with Policy QD27. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall cease within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for secure cycle parking facilities for the occupants of, and visitors to, the development, together with bin storage facilities, shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained and remain available for use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The kitchen/dining/lounge areas as detailed on drawing SG.01 received on the 2 December 2016 shall be retained as communal space at all times and shall not be used as a bedroom.
- 3) The development hereby approved shall be occupied by a maximum of 9 persons.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A – E of the Order shall be carried out other than those expressly authorised by this permission, or pursuant to the other conditions attached.



Appeal Decision

Site visit made on 24 October 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 3 November 2017

Appeal Ref: APP/Q1445/W/17/3178227

23a Arundel Street, Brighton BN2 5TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Karen O'Rourke against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01011, dated 23 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is loft conversion including dormer to rear to accommodate the staircase to the loft. Two roof lights to the front. Associated internal alterations.
-

Decision

1. I dismiss the appeal.

Reasons

2. The main issue in this appeal is the effect of the proposed dormer on the terrace group and the character and appearance of the area. Policy CP12 of the Brighton and Hove City Plan Part One and Policy QD14 of the Brighton and Hove Local Plan seek good urban design and with regard to extensions, these are to be well-designed, sited and detailed in relation to the property, adjoining properties and the surrounding area, among other considerations. Supplementary Planning Document 12 is a design guide for extensions and alterations and section 3.5 on roof extension makes clear that not all roof spaces are suitable for extension. With regard to dormers, these should not be on front or side roof slopes, and should be kept as small as possible as a clearly subordinate addition, well off the sides, ridge and eaves of the roof.
3. There have been previous iterations of the design, and it is drawing 1641/02B that is the subject at Appeal, being the drawing considered by the Council. The previous changes appear to concern the proportions of the dormer, and between tile hanging and window, a matter referred to in the Supplementary Planning Document.
4. Each design has the same aim, which is to provide headroom for a stair to a proposed loft conversion. The present staircase rises from the rear entry to the premises to arrive at a first floor landing, with a small bedroom built over the stair. The proposal is to place a new stair above the present one, starting in the former small bedroom and rising to the loft conversion. It is clear that without a roof extension of some form, there would be insufficient headroom between the new stair and the underside of the sloping roof. However, in the absence of a longitudinal section on the drawing through the stair, it is unclear

how the requirement for headroom has affected the height and location of the dormer and what alternatives might be available. It is not possible to be sure that it has been kept as small as possible, as sought in the Supplementary Planning Document.

5. As it is, the dormer on drawing 02B sits in the same location relative to the ridgeline as did that of the previous iterations. There would be no roof slope remaining above the flat roof of the dormer, it being dressed directly to the ridge, or just under it. The Supplementary Planning Document makes clear the need for dormers to be kept well off the sides, ridge and eaves of the roof. That does not occur in this case. There has clearly been some discussion over the other aspects of the dormer design, but that shown on drawing 02B appears an acceptable arrangement with regard to the eaves and sides, and the lack of alignment with the present rear addition is a minor matter which does not adversely affect the appearance of the building.
6. The failing identified above would be clearly seen in public views along Boundary Road and to the rear, and although there is some variety along the rear of this terrace and the adjoining taller one, the roof slopes are at present clear of additions on the three lower dwellings. The surroundings to the rear are somewhat degraded by commercial uses and the former gasworks, but the prominence of the rear of the terrace, with this being the end dwelling, means that harm would be caused to the character and appearance of the area, contrary to Policies CP12 and QD14, and the proposal does not reach the standard sought in SPD12.
7. The appellant makes reference to an appeal in a different part of the city, where a dormer was allowed (Ref APP/Q1445/D/15/3139064, dated 14 March 2017). Each Decision is taken on the circumstances of the case, and it is seldom possible to make direct comparisons. In that other case it is clear that the Inspector was looking at an area with much previous change; *'I saw at my site visit that a large number of properties in the vicinity of the appeal site have seen alterations to their roofs through the conversion of hipped ends to gables, front dormers and side dormers, and other roof alterations'*. The present case has been considered in relation to the surroundings as seen and the position of the dormer on the roof.
8. The appellant also points to the need for the additional accommodation in order to foster children with the City Council. However, personal circumstances such as that, beneficial as they no doubt would be, do not weigh heavily in consideration of planning permission for permanent structures which could be in place long after that requirement and these occupiers have changed. The harm is not outweighed by these stated benefits of the scheme. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 6th November 2017

Appeal Ref: APP/Q1445/D/17/3180220

60 Hangleton Way, Hove, BN3 8EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Bennett against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01483, dated 2 May 2017, was refused by notice dated 4 July 2017.
 - The development proposed is double storey rear extension and extended terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the host building.

Reasons

3. The existing building is characterised by steep pitched roofs, with prominent gable walls facing the front and side elevations. I consider that these roof structures, which enclose the first floor of the building, define its appearance in relation to its surroundings. The footprint of the building is intrinsically linked to its roof, as the roof structures rise above its eaves which sit immediately above ground floor level. As such, the existing building appears as a complete composition, which is clearly apparent in views from both the front and rear of the property.
4. The full width ground floor rear extension would project significantly beyond the main rear elevation and would rise above the existing eaves. In combination with the first floor extension situated on top of it, it would have the effect of isolating the original steep pitched roofs within a complex of flat roof structures, above a significantly enlarged building footprint. In my view this would fundamentally compromise the role of the steep pitched roofs and gable walls in defining the appearance of the building; leading to the creation of an extended building with a sprawling appearance and no unifying design concept.
5. There is an existing first floor extension found to the front of the building, projecting forward from the roofline and comprising two separate areas of flat roof. Whilst this may have departed from the original architectural form of the

building, the areas of flat roof are comparatively small, and the structure appears visually subservient to the pitched roofs that surround it. The existing dormer window to the rear of the building is also of a scale that appears subservient to the form of the main roof. The projecting bay to the lounge on the ground floor rear elevation and its associated area of flat roof does not have any significant effect on the architectural form of the building. These existing elements of the building have not significantly changed the footprint of the property or compromised its overall appearance, to the same extent that would cumulatively occur under the proposed development.

6. The appellant contends that the proposal complies with the design principles set out in the Council's Supplementary Planning Document 12 "*Design guide for extensions and alterations*" ("SPD12") and I have taken into account the points raised in this regard. However, the guidance provided within this document cannot foresee every possible scenario where a building may be extended. Any proposal to alter or extend a building must also take account of the original design of the building and its setting. For the reasons set out above, I consider that the proposed extensions would fail to have a satisfactory relationship with the host building. As such, compliance with design principles set out in SPD12 does not provide a justification for the proposed development.
7. I accept that the extensions would be located to the rear of the property and would be of limited visibility from the surrounding area. However saved policy QD14 of the Brighton and Hove Local Plan 2005 ("Local Plan") is clear that extensions must have an acceptable relationship with the host building. As such, the limited visibility of the alterations does not provide a justification for proposed development. Whilst the appellant contends that extensions have also occurred to other buildings in the surrounding area, including other examples of extensions with flat roofs, I have no evidence before me to indicate that the circumstances are directly comparable to the building that is the subject of this appeal.
8. I therefore conclude that the extensions would result in unacceptable harm to the character and appearance of the host building. The development conflicts with saved policy QD14 of the Local Plan and the design principles set out in the National Planning Policy Framework ("the Framework") which require extensions to be well designed, sited and detailed in relation to the property to be extended. There are no material considerations that would justify a departure from the development plan policy.

Other matters

9. The appellant considers that the arrangement of space to the rear of the building is poor and austere, and would be improved by the proposed development. I accept that the proposal would considerably improve the quality of the living accommodation within the building. The green sedum roof, which would be located on one of the areas of flat roof within the extended building would increase biodiversity and surface water run off, and would be a welcome environmentally friendly element of the scheme. These considerations weigh in favour of the development. However they do not, even cumulatively, indicate that planning permission should be granted given the clear conflict with the development plan on the main issue in this appeal.

Conclusion

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

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **N A Holdsworth MCD MRTPI**

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

Decision date: 8th November 2017

Appeal Ref: APP/Q1445/D/17/3177105

176 Surrenden Road, Brighton, BN1 6NN

- 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 Edward Hinds against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00289, dated 26 January 2017, was refused by notice dated 23 March 2017
 - The development proposed is erection of a two storey detached out building with rooflights to replace existing single storey workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey detached out building with rooflights to replace existing single storey workshop at 176 Surrenden Road, Brighton, BN1 6NN in accordance with the terms of the application, Ref BH2017/00289, dated 26 January 2017, and the plans submitted with it, 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: 213 S01, 213 S02, 213 D03, 213 D04, 213 D10.

Procedural Matter

2. The Council changed the description of development from "Rebuilding of existing DIY workshop with new piano room over" to "Erection of two storey detached out building with rooflights to replace existing single storey workshop". The latter is also the description used by the appellant on the appeal form. It is a more accurate description of development, and I have used it in this decision.

Main Issue

3. The effect on the proposed development on the character and appearance of the area.

Reasons

4. No.176 forms part of a group of principally detached properties with large gardens located along Surrenden Road, bounded by a track to the rear that

- also provides a secondary access point. Within the gardens of these buildings there are a variety of out buildings, of various bulk and building styles, many of which incorporate pitched roofs.
5. The building would replace an existing garage with a flat roof. The footprint of the replacement building would be around one metre wider than the existing building. In my opinion the increase in building footprint would not be significant given the size of the residual garden area.
 6. Whilst the proposed structure would be taller than many of the other out buildings found within the surrounding gardens, it would be built in to the falling topography of the land. This would effectively disguise its bulk in relation to the main dwelling when viewed from the surrounding properties and the track. In consequence, it would not appear to rise significantly beyond the ground floor of the main building, with the ridge of the pitched roof rising to the cill level of the first floor windows. The structure would be set back from the southern boundary of the site, and would face on to another out building associated with the neighbouring property to the west. As such, the bulk of the building would integrate well with its garden setting. It would not appear unduly prominent in relation to the host building or the neighbouring properties from surrounding viewpoints.
 7. The building would be visible from the immediate neighbouring residential building, and also from the dwellings to the south on Surrenden Park and the access track to the immediate rear of the garden. However, the external appearance of this building would not depart significantly from the appearance of other garden out buildings that I observed in the surrounding area. Windows, doors and rooflights are not unusual features on garden out buildings. The arrangement of windows and doors on the proposed building appear to be consistent with the need to provide access to the accommodation and natural light to the rooms.
 8. The Council maintain that the scale and form of the building is beyond what one would reasonably expect for an ancillary out building. However, the intended purpose of the building is as a DIY workshop and music room, which are activities that are consistent with the existing residential use of No 176. As such, concern that it may be used as an independent residential dwelling in the future is of no relevance to the determination of this appeal. The proposal must be considered on its merits.
 9. The proposal would not comprise a cramped overdevelopment of the site and would not diminish the open character of the garden area. Whilst it would be visible from neighbouring properties and the track to the rear, it would appear subservient to the host building and its immediate surroundings. In consequence, it would not result in harm to the character and appearance of the area. There is no conflict with saved policies CP12 and QD14 of the Brighton and Hove Local Plan 2005 which, amongst other things, seeks to ensure that the new development is appropriately designed, sited and detailed in relation to adjoining properties and the surrounding area.
 10. The proposal would also comply with the provisions of Supplementary Planning Document 12 "*Design guide for extensions and alterations*" (2013), which requires that outbuildings are appropriately sited and scaled, and set behind the front building line of the buildings with which they are associated.

Other Matters

11. It is clear from the appellants statement that the proposal relates to an ancillary out building associated with the existing residential use of the host building. Any noise arising from the use of the proposed building would therefore be consistent with an ancillary residential use being carried out within a private garden area. In these circumstances it would not be reasonable to use planning conditions to control or manage noise arising from the use of the proposed building.

Conclusion

12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed subject to conditions necessary to ensure compliance with the relevant statutory requirements [1] and in the interests of certainty [2].

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **N A Holdsworth MCD MRTPI**

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

Decision date: 8th November 2017

Appeal Ref: **APP/Q1445/W/17/3177369** **78 Goldstone Villas, Hove, BN3 3RU**

- 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 Ronnie Chattersonsim against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00486, dated 10 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is conversion of first and second floor office (B1) to 2no flats (C3), loft conversion incorporating front rooflights and rear dormer to create 1no flat (C3) and a ground floor rear extension to the office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the development on
 - the provision of employment floorspace within Brighton and Hove, and
 - the character and appearance of the area and whether the development would preserve or enhance the character and appearance of the Hove Station Conservation Area.

Reasons

Employment floorspace

3. The existing building is in active commercial use. It is partitioned in to separate rooms and I observed that these are variously used as working offices, meeting rooms and storage areas. At lower ground floor level there is a light industrial unit with a separate access from Ethel Street.
4. The proposed development would result in the conversion of two of the upper floors of the building to residential accommodation. An extension would occur to the ground floor above the garage to provide new office accommodation. This would amount to around 34 sqm of additional office space. This would be set against a loss of around 93 sqm of office space on the first and second floor levels, a total net loss of about 59 sqm of office floorspace. The light industrial use at ground floor level would be retained.

5. The existing office accommodation comprises an unallocated employment site for the purposes of Policy CP3 of the Brighton and Hove City Plan Part One (March 2016) ("City Plan"). This states that the loss of such sites will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. The supporting text of the policy explains the redundancy test for existing accommodation is needed due to the delivery challenges for new office space in the short term, and the quantitative shortfall of supply. Whilst the existing B1 use would remain under the proposals, there would be a significant net loss of B1 floorspace. Consequently, I consider that the redundancy test in policy CP3 must apply. The premises are in active use and no case has been made that they are under-utilised or redundant within the terms set out in the City Plan.
6. The extension would locate all the office floorspace on one level within the building. However, the new ground floor rear office would still be accessed by steps via the side corridor. The new office room would be of a similar size and layout to existing rooms on the upper floors of the building. In my view, the proposed accommodation would share many of the characteristics of the existing accommodation, albeit with less overall space. As such, I am not convinced that the proposed layout would be any more open plan or inclusive than the existing office accommodation. The benefits of locating the accommodation on one floor and the improved internal circulation would not provide adequate mitigation for the loss of the first and second floor office space.
7. The appellant asserts that the existing tenant would continue to occupy the premises following the works, and the reconfigured space would better serve their needs. However, no evidence is provided that the office accommodation in its current form could not fulfil a demand from another business within the City. The consultation response from the City Development and Regeneration team indicates that the existing office floorspace is in high demand by Small and Medium Enterprises within the City, and no significant evidence has been provided to challenge this assessment.
8. Point 4 of policy CP3 supports mixed use development on specified employment sites within the City. However, no evidence has been presented to indicate the site falls within one of these areas, and as such this part of policy CP3 is of limited relevance to this decision. The appellant also draws attention to the provisions of policy DA6 of the City Plan which require the provision of a minimum of 525 new residential units within the Hove Station area. However, the policy is clear that this is within the context of the creation of a sustainable mixed-use area focussed on employment, where existing employment sites and floorspace are protected. Consequently, whilst the proposal would contribute to the housing target, it would result in an unjustified loss of employment floorspace which I consider would conflict with the broader objective of this development plan policy.
9. The proposal would retain a commercial use at ground and basement level, and would also provide for the repair and enhancement of the existing commercial space within the building. However, no significant evidence has been provided that such works are necessary to ensure the ongoing viability of the commercial space within the building.

10. Consequently, I consider that the proposed development would result in a significant loss of office floorspace with no convincing justification. It conflicts with policy CP3 of the City Plan which prohibits the loss of existing office accommodation unless the existing floorspace is demonstrated to be redundant or incapable of meeting the needs of another occupier. It also conflicts with the requirements of policy DA6 of the City Plan which seeks to secure an attractive and sustainable regeneration of the Hove Station area focussed on employment. There are no material planning considerations that indicate an exception to these policies should be made.

Character and appearance

11. The site falls within the Hove Station Conservation Area and section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of such areas. I agree with the appellant's assessment that the special character of the Conservation Area derives from the relationship between the railway station and the surrounding late Victorian buildings which connect the station area with Central Hove to the south. In the case of the appeal building, the front elevation of the building exhibits an attractive brick façade, bay window and shopfront facing Goldstone Villas, falling within the wider setting of Hove Station. The appearance and form of its front elevation and roof profile are consistent with others within the terrace, the resultant uniformity helping to define the appearance of the Hove Station Conservation Area.
12. Three new roof windows are proposed in a line across the front roof slope. I observed that other buildings along the terrace had similar rooflights. Whilst they would not align with the fenestration of the building below, they would be located within the line of the roof slope and would not significantly affect its profile, and most of the roof would remain unaltered. Furthermore, because of their height they would not be prominent in public views from the street. Consequently they would not materially affect the appearance of the front of the building in relation to the street, and would have a neutral effect on the appearance of the Conservation Area.
13. The rear dormer window would be set beneath a pitched roof. Whilst due to its projection it would be clearly visible from the surrounding area, it would be aligned with the fenestration of the windows on the main elevation below, and would only occupy part of the roof, with much of the rear roof slope remaining unaltered. It would replicate other similar dormer extensions found along the rear of the wider terrace. As such, I consider that it would appear subservient to the main roof, and consistent with the appearance of surrounding buildings. It would not have any effect on the appearance of the front of the building, and its effect on the area to the rear of the building would be neutral.
14. In other respects, the rear ground floor extension would be consistent with others found along the rear of this terrace. A commercial use would be retained at ground floor level and the change of use of the upper floors to residential use would not affect the prevailing character of this Conservation Area. Overall I find that the proposed development would not result in harm to the appearance of the host building and surrounding area, and would have a neutral effect on the Hove Station Conservation Area thereby preserving its special character and appearance. As such there is no conflict with policies

CP12 and CP15 of the City Plan, nor saved policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 which seek to ensure that extensions are well designed, sited and detailed in relation to the property to be extended and preserve and enhance the character and appearance of Conservation Areas within the City.

Other Matters.

15. The Council express concern about the small size of second floor unit, although this is not reflected in its reasons for refusal. The room would provide a studio unit. Whilst it would be smaller than the respective standard set out in the Nationally Described Technical Space Standards, it would provide an open plan layout with sufficient space for future occupants to relax, sleep and eat with a separate bathroom area. It would have windows to both sides, and sufficient headroom across most of the unit, making effective use of the space given the constraints of the existing building. I therefore consider that in this instance the living conditions for future occupants of this unit would be acceptable.
16. The appellant draws attention to the benefits of the additional housing provided, making reference to the targets set out in policies CP1 and DA6 of the City Plan; and the existing shortfall which is a consequence of the natural, physical constraints of the City to provide land for new development. The residential accommodation provided would clearly fulfil a strong demand within the City for housing, within a sustainable location. The proposal would also enable a programme of works to be undertaken that has the potential to improve the appearance of the host building and the Conservation Area in which it is located. However, these factors do not, even cumulatively, comprise a consideration that would justify a departure from the policies in the development plan with regard to the provision of employment floorspace within the City.
17. The provision of housing within the extended building was the subject of supportive comments by the Council's City Development and Regeneration team. However, this support does not outweigh the conflict with the development plan on the main issue in this appeal.

Conclusion

18. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area. It would also preserve the character and appearance of the Hove Station Conservation Area. However it would result in an unacceptable loss of employment floorspace and conflicts with Development Plan policies that seek to protect such uses where they are not redundant. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR

Appeal Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/Q1445/D/17/3181607
30 Rosebery Avenue, Brighton BN2 6DE

- 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 Richard Wintle against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/01359, dated 20 April 2017, was refused by notice dated 18 July 2017.
 - The development proposed is described as re-roofing of the front flat dormer to be a dummy pitched roof, re-roofing of the rear flat roof dormer to be a dummy pitched roof, with a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 15 Baywood Gardens with particular reference to privacy.

Reasons

Character and Appearance

3. Rosebery Avenue is characterised by a variety of different residential properties including detached and semi-detached bungalows and two-storey houses. Roof types include gable ended as well as hipped roofs. Extensions to properties through the introduction of dormers on the front, back or side are not uncommon.
 4. The appeal property is a semi-detached bungalow on the eastern side of Rosebery Avenue. It has been expanded in the past through the introduction of dormer windows and rooflights on the front and rear roofslopes and the bungalow now has a gable roof unlike the adjoining property at no. 32 which has retained a hipped roof. The appellant acknowledged that these elements are contrary to the Council's guidance on roof alterations described the existing roof form as having multiple roof shapes and being contrived in design and form. I would not disagree with this view. No. 30 also has a ground floor
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- extension to the kitchen / dining area and a conservatory on the boundary adjoining no. 32.
5. The proposed extension at first floor level would involve considerable modifications to the roof form. The proposed rear extension would incorporate a barn-end roof and would extend as far into the rear garden as the existing ground floor dining area. In addition, the flat roofed front and rear dormers are currently set slightly below the ridge line. The proposal would see these modified to have dummy pitched roofs extending up to the ridge line.
 6. The proposed rear extension would add significant bulk to the existing bungalow resulting in the form of the property appearing as an extra storey to the house. This would overwhelm the bungalow and result in a rear roof form which was very different from the basic shape of the original roof. It would create a visually heavy and dominant roof form and would significantly unbalance the pair of bungalows. In raising the new roof form to the original ridge height the changes would not appear as subordinate additions to the roof.
 7. The appellant argued that the barn-hip roof when seen from the road would have the same roof angle as the roof of the adjoining property. In my view, the change from the gable roof would do little to restore the balance with the adjoining bungalow or to soften the impact of a bulky addition when viewed from the road. The proposed changes to the rear of the property would be visible from the road to a limited extent but the changes would be very apparent to occupiers of neighbouring properties in Rosebery Avenue and Baywood Gardens to the rear of the appeal site. Such changes would be harmful to the character of the wider area.
 8. As the appellant identified, there are numerous examples of poorly designed roof extensions within Rosebery Avenue. However, the presence of inappropriate roof alterations elsewhere within the road does not provide evidence of an established precedent as the Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document (SPD), 2013 notes. Moreover, I am not aware of the circumstances which led to these developments and so cannot be sure that they directly parallel the appeal proposal. I have, in any case, determined the appeal before me on its own planning merits.
 9. Having found that the proposed development is not well designed or sited in relation to the host property, adjoining property and to the surrounding area it would not accord with Policy QD14 of the Brighton and Hove Local Plan, 2016 (the Local Plan). Moreover, the proposal fails to adhere to the advice in the SPD in respect of the principles for roof extensions. I also find that the proposal would be contrary to section 7 of the National Planning Policy Framework (the Framework) which seeks to achieve good design.

Living Conditions

10. Properties within Baywood Gardens are within relative close proximity to those in Rosebery Avenue because of a relatively short separation distance between them. As a consequence a degree of overlooking already exists between the rear windows of properties on these roads. The proposed extension would result in the proposed new first floor window projecting much further forward than the existing dormer and rooflight windows in the rear roofslope.

11. Whilst views from this proposed window to 15 Baywood Gardens would be at an oblique angle, because of its projection I consider that this would lead to a perception of overlooking for occupiers of that property leading to a loss of privacy.
12. As a consequence I find the proposed development to be contrary to Policy QD27 of the Local Plan which requires development to avoid causing material nuisance and loss of amenity to adjacent occupiers. The proposal would also be contrary to one of the core principles of planning as set out in the Framework, namely that a good standard of amenity should be achieved for all existing occupiers of buildings.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Kevin Gleeson

INSPECTOR

Appeal Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/Q1445/D/17/3185882

11 Tongdean Rise, Brighton BN1 5JG

- 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 Heal against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/01523, dated 4 May 2017, was refused by notice dated 26 July 2017.
 - The development proposed is described as two storey rear extension and enlarged front dormer in connection with the remodelling of the dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of nos. 10 and 12 Tongdean Rise with particular reference to privacy, visual impact and noise.

Reasons

Character and Appearance

3. Tongdean Rise is characterised by a mixture of bungalows and two storey houses. A number of houses have been redeveloped or extended adopting a modern design approach which contrasts with more traditional properties. The locality has a character which is defined by detached properties set within plots which are spacious and have mature gardens.
 4. The appeal property is a chalet style detached bungalow located on the southern side of Tongdean Rise with the neighbouring properties, nos. 10 and 12 also being chalet style bungalows. Both of the neighbouring properties have been extended to include rooms within the roof. As Tongdean Rise curves the building line is staggered but for nos. 10-12 the rear elevations of all three properties generally create a straight building line.
 5. No. 11 Tongdean Rise has previously been extended to provide additional accommodation in the roof space, incorporating a small front dormer and a
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larger rear dormer with three windows facing the garden. The site rises steeply from the front to the rear and the rear garden is tiered. The rear patio at ground floor level leads to an area of shrubbery forming the steepest part of the garden, beyond which is a fairly flat area of lawn and further away, at the end of the garden a further elevated area. A steep set of steps leads from the patio, through the shrubbery to the lawn level.

6. The proposed development would extend the property to the rear by a depth of approximately 5 metres, necessitating building into the shrubbery. The rear extension would have a flat roof incorporating a rooflight and a box dormer within the rear roofslope. From the dormer, level access would be provided to a terrace from which the main garden could be reached via a short flight of stairs. The proposed changes would have bedrooms at ground floor level and a kitchen / living room at first floor level in order that the living accommodation has more natural light than at present. Changes to the front elevation would include widening the existing dormer.
7. The two storey rear extension and modifications to the roof would significantly alter the appearance of the property and would considerably increase its size. In creating a new roof form which is the same height as the existing ridge the additional bulk would be unsympathetic to the form of the original building, would not be subordinate in terms of scale and would be over dominant. It would also fail to respect the character of neighbouring buildings, extending well beyond the existing rear building line. Whilst the majority of the development would be to the rear of the property there would be some views of the proposed extension from the street which, because of the additional bulk, I consider would be harmful to local character.
8. The proposed rear flat roof dormer whilst narrower and set lower within the new roof than the existing dormer would appear bulky because of its full height doors. The creation of the terrace would also add to the bulk of the development and appear as an incongruous addition because of the projection from the first floor level of the property.
9. Having found that the proposed development is not well designed in relation to the host property, neighbouring properties and to the surrounding area it would not accord with Policy QD14 of the Brighton and Hove Local Plan, 2016 (the Local Plan).
10. I also find that the proposals would not be in line with the advice in the Design Guide for Extensions and Alterations Supplementary Planning Document (SPD), 2013 which indicates that for two storey rear extensions the roof form should reflect that of the main building, should normally be set lower than the main ridge and that flat roofs are generally unacceptable.
11. Moreover, the proposal would not be acceptable because whilst the SPD states that additional storeys or raised roofs may be permitted on detached properties, in this case the proposal would not respect the scale, roofline or the general appearance of the streetscene. In addition the proposal would be contrary to section 7 of the National Planning Policy Framework (the Framework) which seeks to achieve good design.

Living Conditions

12. The existing building is located approximately 1.5 metres from the boundary with no. 12 which in turn is located very close to the boundary. The proposed development would project some distance from the existing rear wall and would add considerable bulk at first floor level. Because of the proximity of the proposed development to the shared boundary with no. 12, it would, in my view result in an overbearing impact on the occupiers of that property and materially affect their enjoyment of their garden.
13. The proposed terrace is intended to provide better use of the rear garden and to overcome the shortcomings associated with the existing access. It would not be deep and may therefore be primarily used to access the garden from the internal living area. Nevertheless, in spite of some trees and other vegetation on the boundaries which could provide a degree of screening I find that the elevated position of the proposed terrace at first floor level would mean that its use would result in overlooking into neighbouring gardens, leading to a loss of privacy for occupiers of those properties. Although the steps close to the boundaries are described by the appellant as a secondary means of access their use would still result in a perception of overlooking for neighbours. Planting additional trees along the boundaries would not adequately mitigate this impact.
14. As the proposed living room and kitchen would be at first floor level there would be a greater likelihood that noise would emanate from this level than would be the case with the current arrangement of rooms. Moreover, whilst accepting that the use of the garden, which is at a higher level than the proposed terrace, could cause noise the impact of noise from the elevated terrace would in my view be potentially more harmful because of its proximity to the living area and would be unlikely to be adequately mitigated by sound proofing.
15. Neighbouring occupiers raised concerns about the effect on privacy of the proposed windows at ground floor level. The new windows in the western elevation facing no. 10 would be set at a low level and primarily face existing boundary walls. New windows would also be inserted into the eastern elevation which currently has none but these too would generally face a blank boundary wall and therefore I am not convinced that the proposals would result in overlooking or a loss of privacy. I therefore find that the introduction of new windows would not adversely impact upon the privacy of neighbouring occupiers.
16. Nevertheless, I find the proposed development to be contrary to Policy QD14 of the Local Plan in that it would be harmful to the living conditions of occupiers of 12 Tongdean Rise due to an overbearing impact and would result in a loss of privacy and cause significant noise disturbance to adjoining neighbours. It would also be contrary to Policy QD27 which requires development to avoid causing material nuisance and loss of amenity to adjacent occupiers.
17. The proposal would have a harmful impact on the amenities of adjacent residents by way of an overbearing impact contrary to the advice in the SPD and would be contrary to one of the core principles of planning as set out in the Framework, namely that a good standard of amenity should be achieved for all existing occupiers of buildings.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Kevin Gleeson

INSPECTOR



Appeal Decision

Site visit made on 24 October 2017

by **N A Holdsworth MCD MRTPI**

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

Decision date: 14th November 2017

Appeal Ref: APP/Q1445/D/17/3180917

28 Orchard Avenue, Hove, BN3 7BL

- 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 Shaun Ryan against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00183, dated 18 January 2017, was refused by notice dated 26 May 2017.
 - The development proposed is side first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Whilst it is located on Orchard Avenue, due to its corner plot the existing building also occupies a prominent position in views from the east and west along Orchard Road, to the immediate north of the site. I observed that the properties along the south side of Orchard Road have a fairly consistent building line, being set back a similar distance from the road. This is apparent even though the buildings to the east are located at angles to the road, in comparison to the more regular building line exhibited by the buildings to the west of the site. The consistency of the building line along Orchard Road contributes to a spacious character, which is apparent at the junction on which the existing building is located.
4. When viewed from Orchard Road the existing side extension attached to the host building is located forward of this building line. However, its height is limited to one storey and it is largely screened by a boundary fence. As such, it has not led to any significant loss of visual openness around this junction.
5. By contrast, because of its additional height and bulk, the proposed first floor side and roof extension would be of much greater prominence in views along Orchard Road. It would protrude noticeably forward of the neighbouring properties to the immediate west at first floor and roof level. In views from the east the building would also extend forward beyond both the frontages of the buildings to the east of the appeal site facing Orchard Road, and the side

elevation of the property immediately opposite the appeal building facing Orchard Avenue.

6. Consequently the development would result in a significant loss of visual openness around the junction on which it sits, and would appear out of place within the wider street-scene. Because of its siting and bulk I consider that the extended building would comprise an unduly prominent feature in views along Orchard Road, and would visually dominate the buildings that surround it.
7. I therefore conclude that the siting and bulk of the extension would lead to harm to the character and appearance of the area. It conflicts with saved policy QD14 of the Brighton and Hove Local Plan (adopted 2005) which requires that extensions to residential properties must be well sited in relation to the surrounding area, taking account of the existing space around buildings. It would fail to improve the character and quality of an area and the way it functions, and would also conflict with the requirements of chapter 7 of the National Planning Policy Framework.

Other Matters

8. The bulk of the building would be stepped back from the front elevation and its roof. In doing so, it would comply with the parts of the Council's Supplementary Planning Document 12: "*Design guide for extensions and alterations*" (2013) that advise that extensions should be subservient and stepped back from the host building. I also noticed that there were other similar two storey extensions attached to semi-detached dwellings along Orchard Road with a similar appearance to the proposed development, including numbers 15 and 16. As such, I do not agree with the Council's view that the extensions would be out of proportion with the host dwelling and semi-detached pair. However, on this occasion I have found that the siting and bulk of the extension are unacceptable given its location on this corner plot, and its effect on views along Orchard Road. So while I consider that the extension would respect the character and appearance of the host dwelling, the lack of harm in this regard does not outweigh my findings in relation to my main issue.
9. The proposal would maximise the potential of the corner plot and make efficient and effective use of space at the side of the property. It would also provide a rationalised layout improving the quality and appeal of the living accommodation for occupants of no.28, without detracting from the original character of the host building. Energy saving measures could also be incorporated in to the extended building, and locally sourced materials could be used. However, the matters weighing in favour of the scheme do not outweigh the harm and policy conflict I have identified in relation to the character and appearance of the area.

Conclusion

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

Neil Holdsworth

INSPECTOR

Appeal Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 14th November 2017

Appeal Ref: APP/Q1445/D/17/3184956
8 Benfield Crescent, Portslade BN41 2DB

- 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 Seb Smythe against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/00010, dated 27 December 2016, was refused by notice dated 4 July 2017.
 - The development proposed is described as removal of existing roof and provision of new roof with higher ridge, rear dormer and front rooflights (resubmission of BH2015/03258).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a two storey detached house which has been extended to the rear at ground floor level across the full width of the property. The main roof is hipped and the property has a two storey front projection with a hipped roof and a single storey front projection with a hipped roof.
 4. The proposal is to replace the existing roof with a re-pitched gable roof and to add a rear dormer to provide two additional bedrooms. Two rooflights would be inserted into the front roofslope.
 5. Benfield Crescent has a variety of different residential properties including detached and semi-detached two storey houses as well as bungalows. In spite of the variety, the majority of the properties have hipped roofs. Whilst the neighbouring two storey property, no. 6 has a gable extension this is located to the rear and the main elevation to the front has a hipped roof.
 6. Although the increase in ridge height would be limited, when considered along with the gable roof, the additional bulk would have a detrimental impact on the appearance of the host property. The proposal would also not be in keeping with the character of neighbouring properties or the surrounding area and would be detrimental to the appearance of the street. Whilst in neighbouring
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roads there are more properties with gable roofs these roads do not provide the appropriate context in which to assess the proposed development.

7. The rear dormer would extend in width across the majority of the roof. Its flat roof would be in line with the raised ridge and it would extend almost as far down the roof as the eaves. The proposed windows would fail to respect the fenestration at first floor level and would appear dominant. In occupying the majority of the rear roofslope the proposed dormer would appear as a bulky addition to the dwelling and would not be a subordinate addition to the building.
8. I therefore find that the proposal would be contrary to Policy QD14 of the Brighton and Hove Local Plan, 2016 which requires extensions or alterations to existing buildings to be well designed, sited and detailed in relation to the property to be extended, and to the surrounding area.
9. I also find that the proposals would not be in line with the advice in the Design Guide for Extensions and Alterations Supplementary Planning Document (SPD), 2013 which indicates that dormers should be kept as small as possible and a subordinate addition to the roof, set appropriately in the roof space and below the ridge of the roof. It would also fail to adhere to the SPD guidance that raised roofs on detached properties should respect the general appearance of the streetscene and that dormer windows should normally align with the windows below.
10. In addition the proposal would be contrary to section 7 of the National Planning Policy Framework which seeks to achieve good design.

Other Matters

11. The appellant has sought to address the matters of loss of outlook and light which led to the previous scheme being refused planning permission and dismissed on appeal¹. However, these matters do not address the effect of the scheme on the character and appearance of the host property or the surrounding area.

Conclusion

12. For the reasons set out above, and having taken into account all other matters raised, the appeal is dismissed.

Kevin Gleeson

INSPECTOR

¹ APP/Q1445/D/16/3147716



Appeal Decision

Site visit made on 6 November 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 16 November 2017

Appeal Ref: APP/Q1445/D/17/3178262

17 Founthill Avenue, Saltdean, Brighton BN2 8AW

- 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 Gareth Thomas against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2017/00794, dated 7 March 2017, was refused by notice dated 3 May 2017.
 - The development proposed is a two storey extension to the lower ground floor and ground floor, and removal of the existing pitched roof to facilitate the erection of an additional storey with a flat roof.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. I saw on my visit that the development pattern in this part of Saltdean is for the most part one of conventional 20th century detached dwellings, albeit as in the case of the appeal property often split level because of the fall in the land and in other cases with some adaptation to take advantage of the views to the east. At present No. 17 is set down into its site, and combined with its unexceptional design this results in it being unassertive in either the Lenham Avenue or Founthill Avenue street scenes.
 4. The officer's report explains that the requirement in Policy QD14 of the Brighton & Hove Local Plan (retained policies March 2016) for extensions or alterations to existing buildings to be well designed, sited and detailed in relation to the host property, adjoining properties and the surrounding area does not in principle preclude a modern design approach through contemporary remodelling. From my visit to the area I agree that this approach is reasonable in the locality and in any event is consistent with Government policy in paragraph 60 of the National Planning Policy Framework 2012 ('the Framework').
 5. However, the thrust of the Council's objection to the appeal application is that through a combination of its size and design the altered building would be harmfully overbearing and dominant. Apart from responding to these points the
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grounds of appeal take issue in technical terms with the description 'ill-sited', but my interpretation of this criticism is that the context of the appeal site is unsuitable for the radical nature of the proposed alterations.

6. As regards the size of the extended dwelling it is clear from the submitted plans, in particular Drawing No. 15072-P-121, that the flat roof of the proposed additional storey would at 1.3m be noticeably above the ridge height of the existing roof. Furthermore, because a hipped roof is to be replaced with a flat roof the height differential would further increase through infilling the notional void to the existing eaves height, with a consequential enlargement of the building's bulk and mass.
7. This would not be offset by the very modest diminution of the existing house's built form in the area of the proposed balcony. I am therefore minded to agree with the Council's assessment that the height and form of the altered building and its prominence from Founthill Avenue and in the westward views from further down that road would give rise to a reasonable perception of an undue dominance of the plot.
8. The effect is likely to be somewhat less in views from Lenham Avenue because of the building's low siting in relation to the road. However, and as the Council also argues, this west elevation would have a poor appearance. This is because the fenestration would be more akin to that of a flank wall than an ostensibly principal elevation and would thereby detract from, rather than enhance, the street scene of that road.
9. The stepped form of the building, which the Council also dislikes, is an inherent part of the new design and serves the purpose of reducing the bulk and mass of the upper floors. Nor is it entirely unrelated to the topography. However, to the extent that it is derived from the additional storey it contributes to what I consider, overall, to be a justified basis for refusal.
10. I have carefully considered the grounds of appeal and acknowledge that the scheme has some merit, whereas the officer's report offers no concessions in its appraisal other than in relation to the 'impact on amenity'. However in my view, because the extensions and alterations are too ambitious for this particular dwelling and site and have at least some design deficiencies, the proposal would have a harmful effect on the character and appearance of the area. This would conflict with Local Plan Policy QD14 and some parts of Section 7: 'Requiring Good Design' of the Framework.
11. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR

Appeal Decision

Site visit made on 6 November 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/Q1445/D/17/3177588

90 Longhill Road, Ovingdean, Brighton BN2 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Adams against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2016/06567, dated 21 December 2016, was refused by notice dated 24 April 2017.
 - The development proposed is to remodel the existing dwelling with a two-storey rear extension, roof alterations, the erection of a second floor pod, a terrace to the front, alterations to fenestration and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the Longhill Road street scene, and (ii) the effect on the living conditions for adjoining occupiers, with particular reference to outlook and noise and disturbance.

Reasons

3. On the first issue, the Council's concern is that through a combination of its scale, form and external materials the appeal scheme would result in the altered and extended dwelling having an incongruous and overbearing appearance. It is considered that this would be out of character with the existing house, its neighbours and the Longhill Road street scene.
 4. On my visit to the area I saw that the dwellings in Longhill Road as a whole have a range of architectural styles, and the appeal property together with its immediate neighbours at Nos. 88 and 92 are a case in point. Bearing this in mind, there is clearly some scope in altering and extending a building that in my view is presently of a modest scale compared to the adjoining dwellings and of a mediocre design quality.
 5. However, in reaching a planning judgement on the issue, regard must be had to Government policy in paragraph 60 of the National Planning Policy Framework 2012 ('the Framework'); paragraph a. of Policy QD14 of the Brighton & Hove Local Plan (Retained Policies March 2016), and the Council's Supplementary Planning Document (SPD) 12: Design Guide for Extensions and Alterations
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2013. The common denominator in these strands of policies is that as far as the design of buildings is concerned a balance must be struck between such factors as 'innovation, originality and initiative' and the need to ensure that even if different the development should successfully integrate into its context. It is this important caveat that is crucial to the appeal scheme.

6. To an extent this is recognised by the appellant as I note that the appeal proposal is a modification of the scheme refused permission under Reference BH2016/02440, with a number of changes including the choice of external materials and the inclusion of privacy screens to the flank elevations at roof level.
7. However, the design ethos as exemplified by the creation of a three storey dwelling including a second floor pod, an external terrace / balcony, large scale fenestration at all three levels on the southwest elevation, and a Juliet balcony to a first floor bedroom appears to continue to be derived mainly from the applicant's aspiration to maximise sunlight, daylight and views.
8. Whilst that objective is in principle entirely understandable, the outcome would be a highly contemporary building that does not sufficiently respect its context of more restrained and traditional designs in Longhill Road, albeit in a number of cases adapted to take advantage of the elevated aspect and south westerly aspect.
9. This may well be an appropriate design for a site in a more seaward location and amongst similar contemporary architecture; however my concern in this instance is that the combination of the dwelling's elevated position; rectilinear and three storey form; extensive areas of flat roofs; large scale glazing, and out of keeping timber cladding to the pod would draw the eye and be correctly perceived as harmfully incongruous to the character and appearance of the Longhill Road street scene.
10. I have carefully considered the grounds of appeal and have noted the appellant's reference to properties considered to be similar to this proposal. However there are key differences as regards the sites and their context and the design of the buildings. In my view they do not alter my conclusion on the main issue and the resultant conflict with Local Plan Policy QD14, the Council's SPD, and Section 7: 'Requiring Good Design' of the Framework.
11. Turning to the second issue, the Council accepts that amendments to the earlier scheme together with conditions would address the concerns as to the loss of light and privacy for the adjoining occupiers on either side but argues that the second floor pod and its privacy screens would still have an adverse effect on the outlook from the flank windows in No. 88.
12. In addition I have taken the objections from No. 92 into account, but accept that the appellant's grounds of appeal have established that there would be no unreasonable loss of light and privacy. As regards the effect on the outlook from No. 88, the higher position of the pod relative to that property's side facing windows has some potential for it to be overbearing, but a gap of 5m between the houses plus the inset of the pod from the roof edge should limit this to an acceptable level.

13. Noise from the balcony may potentially be relevant, but in the absence of more detailed submissions from the parties to the appeal I am unable to regard it as a determining factor. In any event, such matters are somewhat academic because of my conclusions on the first main issue.
14. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR

Appeal Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 16th November 2017

Appeal Ref: APP/Q1445/D/17/3182969
171 Elm Grove, Brighton BN2 3PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Oliver Dorman against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/01929, dated 2 June 2017, was refused by notice dated 18 July 2017.
 - The development proposed is a single storey extension to rear with flat roof.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3 and Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey extension to rear with flat roof at 171 Elm Grove, Brighton BN2 3PZ in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO.

Application for Costs

2. An application for the award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

Procedural Matter

3. The Council's refusal to grant prior approval was on the basis that the appellant had failed to provide sufficient information to determine whether the proposal was permitted development, specifically that floor plans had not been provided. The appellant confirmed the use to which the proposed extension would be made through additional plans and the appeal statement. Nevertheless, my determination of the appeal is on the basis of the material originally submitted on which the Council was notified and neighbouring occupiers were consulted in the interest of fairness to all parties.

Reasons

4. The appeal property is a mid-terrace Victorian building with accommodation over four floors comprising eight single occupancy bedrooms. Planning
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- permission was granted on appeal¹ in May 2016 for the change of use of the property to a sui generis House in Multiple Occupation (HMO).
5. An application was made to determine whether prior approval was required for a proposed larger home extension under Article 3, Schedule 2, Part 1, Class A of the GDPO. The proposed extension exceeds the dimensions allowed under Class A.1(f) but would be within the requirements of Class A.1(g). Except in relation to the use, the Council did not indicate that the proposal would not meet the other requirements of Class A.1 and I share that view.
 6. Paragraph A.4 sets out those conditions which must be met for schemes which exceed the scope of A.1(f) but are allowed by A.1(g). The Council confirmed that the requirements of A.4 (2) (a) had been met.
 7. Sub-paragraph A.4 (2) (b) requires the developer to provide to the local planning authority a plan indicating the site and showing the proposed development. Paragraph A.4 (3) states that the local planning authority may refuse an application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, *'the conditions, limitations or restrictions applicable to development permitted by Class A...allowed by paragraph A.1(g)'*.
 8. The appellant argued that the GDPO does not require floor plans to show the internal layout in order for prior approval to be granted. Moreover, sub-paragraph A.4 (8) indicates that the local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.
 9. A previous application seeking prior approval for a similar single storey rear extension was refused but the officer report stated that as permission had been granted for the change of use to a sui generis HMO, the existing use would not be changed as a result of the proposed development.
 10. The existing use of the property is a dwellinghouse within the meaning of Article 2 (1) of the GDPO which neither party has contested. I also find that within the application form and block plan sufficient information was provided according to the requirements of A.4 (2) (a) to confirm the proposed use. Moreover, taking account of the Council's earlier view that as a sui generis HMO the proposal would not result in a change of use I am satisfied that the proposal would comply with the requirements of Class A in terms of its use. Consequently the question of whether a material change of use which required planning permission would occur is a separate matter which it is not necessary to consider at this stage.
 11. Under sub-paragraph A.4 (7) adjoining owners /occupiers were consulted by the Council and no objections were received. On this basis prior approval is not required and therefore it is not possible to impose planning conditions.

¹ APP/Q1445/W/16/3142291

Conclusion

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

Kevin Gleeson

INSPECTOR

Costs Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 16th November 2017

Costs application in relation to Appeal Ref: APP/Q1445/D/17/3182969 171 Elm Grove, Brighton BN2 3PZ.

- 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 Mr Oliver Dorman for an award of costs against Brighton and Hove City Council.
 - The appeal was against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

1. The application for an award of costs made by Mr Oliver Dorman against Brighton and Hove City Council is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeals process and that the application needs to clearly demonstrate that this is the case.
 3. The applicant is seeking an award of costs because the Council refused the application for prior approval on the basis of speculation about the future use of the premises. The Council indicated that without floorplans it was not possible to determine whether the proposal would result in an increase in occupancy which would potentially constitute a material change of use.
 4. Whilst the Council is not required to provide the applicant with an opportunity to submit further information during the application process, there is scope to do so. Nevertheless, as I have found, the applicant's original submission provided sufficient information on which to determine the application.
 5. The Council indicated that the onus is on the applicant to demonstrate that the proposed development is permitted under the GPDO and would not result in a material change of use. However, having determined an earlier similar application on the basis that the existing use as a sui generis House in Multiple Occupation would not be changed as a result of the proposed development it was unreasonable for the Council to raise that as a concern in relation to the appeal scheme.
 6. In addition, it was reasonable for the applicant to consider that no further information about the use would be required taking account of the delegated report relating to application BH2017/01371. The Council acknowledged that
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- the previous application did not show the potential use of rooms and yet it did not consider the potential to intensify the use of the property at that time.
7. Moreover, had the Council needed further information in order to determine the application then under the provisions of Class A.4 (8) such further information could have been requested from the applicant. Having decided that more information was needed it was unreasonable for the Council to indicate that it was lacking through its decision notice when there was no evidence that the appellant would not have provided such information if requested. Furthermore, the applicant made information available during the appeal process which, as the Council confirmed, addressed its concerns about the use of the property.
 8. It has been demonstrated that there was unreasonable behaviour resulting in unnecessary expense as described in PPG by the Council in respect of their failure to determine similar cases in a consistent manner and in refusing the application when it could have requested additional information to address its concerns. As a result a full award of costs is justified.

Costs Order

9. 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 and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brighton and Hove City Council shall pay to Mr Oliver Dorman the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Brighton and Hove City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Cost Office is enclosed.

Kevin Gleeson

INSPECTOR