




Brighton & Hove
City Council

Planning Committee

Title:	Planning Committee
Date:	6 June 2018
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morgan, Morris and O'Quinn Co-opted Members: Conservation Advisory Group Representative
Contact:	Penny Jennings Democratic Services Officer 01273 291065 planning.committee@brighton-hove.gov.uk

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AGENDA

1 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.

2 MINUTES OF THE PREVIOUS MEETING

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Minutes of the meeting held on 9 May 2018 (copy attached)

3 CHAIR'S COMMUNICATIONS

4 PUBLIC QUESTIONS

PLANNING COMMITTEE

Written Questions: to receive any questions submitted by the due date of 12 noon on 30 May 2018.

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

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2017/03566, Brighton Hove and Sussex Sixth Form College, 2015 Dyke Road, Brighton - Full Planning 13 - 48

Erection of a 4no storey teaching block replacing existing temporary modular classrooms and incorporating general teaching spaces, flexible student study, learning areas, resource areas and performance spaces with associated hard and soft landscaping and relocated car parking

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hove Park

B BH2016/05312, 65 Orchard Gardens, Hove - Full Planning 49 - 94

Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.

RECOMMENDATION – REFUSAL As s106 has not been completed.

Ward Affected: Hove Park

C BH2015/04536, Preston Park Hotel, 216 Preston Road, Brighton - Full Planning 95 - 122

Change of use of hotel (C1) to residential (C3) comprising conversion of main hotel and demolition and redevelopment of north wing, to provide 13no self-contained open market flats and 9no affordable flats, alterations to front façade, retention of 27 car parking spaces and provision of new cycle and refuse facilities.

RECOMMENDATION – REFUSAL as s106 has not been completed.

Ward Affected: Withdean

MINOR APPLICATIONS

PLANNING COMMITTEE

- D BH2018/00469, Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent 123 - 134**

Internal alterations to lower ground floor & external alterations to rear ground floor including construction of new wall with balustrade, landscaping & associated works to facilitate the conversion to children's day nursery (D1).

RECOMMENDATION – GRANT

Ward Affected: Central Hove

- E BH2018/01123, Hove Central Library, 182-186 Church Road, Hove - Full Planning 135 - 146**

Alterations to rear garden area incorporating new steps, handrail and landing and addition of insulation and plasterboard to existing screen of w.c window for use by children's day nursery.

RECOMMENDATION – GRANT

Ward Affected: Central Hove

- F BH2018/00854, Land to Rear of 62-64 Preston Road- Full Planning 147 - 160**

Excavation and erection of three storey building comprising 3 no. residential units (C3) with associated alterations.

RECOMMENDATION – GRANT

Ward Affected: Preston Park

- G BH2017/03651, Brighton Square and Units 12, 13, 14, 15 and 16, Brighton- Full Planning 161 - 176**

Erection of pavilion structure to Brighton Square for the creation of additional restaurant space (A 3). Alterations to dolphin fountain including new plinth & increased height of fountain. Installation of new shopfronts to 12, 13, 14, 15 and 16 Brighton Square.

RECOMMENDATION – REFUSE

Ward Affected: Regency

- H BH2018/00095, 166 Heath Hill Avenue, Brighton - Full Planning 177 - 190**

Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space.

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb and Bevendean

- 7 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

PLANNING COMMITTEE

- | | | |
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| 8 | INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS | 191 - 192 |
| | (copy attached). | |
| 9 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 193 - 198 |
| | (copy attached). | |
| 10 | INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES | 199 - 200 |
| | (copy attached). | |
| 11 | APPEAL DECISIONS | 201 - 232 |
| | (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>

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PLANNING COMMITTEE

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

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 29 May 2018

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 9 MAY 2018****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillor Cattell (Chair) Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Inkpin-Leissner, Littman, Miller, Moonan, Morris, Platts and Wealls

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

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Stewart Glassar (Principal Planning Officer), David Farnham (Development and Transport Assessment Manager) and Tom McColgan (Clerk)

PART ONE**1 PROCEDURAL BUSINESS****128a Declarations of substitutes**

128a.1 Councillor Wealls declared that he was in attendance as a substitute for Councillor Hyde.

128b Declarations of interests

128b.1 The Chair stated that she was aware that all of the Committee had been lobbied regarding item F BH2017/03863. The Committee concurred that no responses had been given.

128b.2 Councillor Theobald declared that Item C referred to a house owned by a former Councillor but that she had had no contact with them regarding the application.

128c Exclusion of the press and public

128c.1 There were no Part 2 items on the agenda.

2 MINUTES OF THE PREVIOUS MEETING

129.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 April 2018 as a correct record.

3 CHAIR'S COMMUNICATIONS

130.1 The Chair stated that a new planning register was being developed and was expected to be available to use at the end of May 2018. The new register would allow users to track applications and to set alerts.

4 PUBLIC QUESTIONS

131.1 There were none.

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

132.1 No additional site visits were requested.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2017/04070,8 LLOYD ROAD, HOVE - FULL PLANNING

Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.

(1) It was noted that the application had been the subject of a site visit before the meeting.

Introduction from Officers

(2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.

(2) The main considerations in determining the application related to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site. Six letters of objection had been received by the Planning Department. Councillor Brown, one of the Ward Councillors, had also objected to the application.

(3) A previous planning application (BH2016/05174) for a 3 bedroom dwelling at the same site had been refused. The decision had been taken to appeal which was dismissed. The Planning Inspector had supported two of the Council's reasons for refusal: design and standard of accommodation/ garden provision. The Inspector did not support impact on neighbouring amenity or removal of trees and planting as grounds for refusal. It was the opinion of the Planning Officer that the concerns raised by the inspector regarding the previous application had been successfully addressed.

Questions to the Planning Officer

- (4) In response to Councillor Morris, the Planning officer stated that the Council had cited the removal of trees as one of the grounds for refusal of the previous application however the Planning Inspector had stated that adequate replacement landscaping could be required by condition and did not support the removal of trees as adequate grounds for refusal.
- (5) In response to Councillor Theobald, the Planning Officer stated that the flint boundary wall would be retained but the wall to the front of 8 Lloyd Road would be removed to provide a new driveway.
- (6) In response to Councillor Moonan, the Planning Officer stated that the existing conservatory attached to 8 Lloyd Road would be taken down to increase the amount of garden space retained by the property.
- (7) Councillor Littman noted that the trees between the flint wall and the pavement were originally planted on public land. He queried when the land had transferred into private ownership. He also asked why the applicant had proposed to remove the trees when the boundary wall which was being retained was between the property and the trees.
- (8) The Planning Officer stated that he was not able to confirm when the land had passed into private ownership or why the trees were to be cut down. He did not have access to the appropriate records to confirm the ownership of the land between the wall and the pavement at the meeting.
- (9) Councillor Littman stated that there needed to be some justification provided for the removal of the four trees and that the ownership of the land and the trees needed to be confirmed before the Committee could make an informed decision.
- (10) The Chair proposed that consideration of the item be deferred to a later meeting which was unanimously supported by the Committee.

133.1 **RESOLVED:** That consideration of application BH2017/04070 is deferred to a later meeting following additional information being provided by officers concerning the land and trees between the flint boundary wall and pavement.

**B BH2017/04051, LAND TO THE REAR OF 35 BRUNSWICK PLACE HOVE -
FULL PLANNING**

Demolition of existing garden wall & erection of 1no. three bedroom dwelling (C3).

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The main considerations in determining the application related to the principle of the proposed development, the design of the dwelling, the impact of the development on the Brunswick Town Conservation area and adjacent listed buildings, the standard of accommodation the dwelling would provide, the impact on neighbouring amenity and sustainable transport considerations. The site was vacant and the property would adjoin

a similar new-build dwelling (BH2014/03838). 10 letters of objections had been submitted to the planning department. It was the Planning Officer's opinion that the proposed design was sympathetic to the character of the area and would provide a good standard of accommodation to future residents. The application was therefore recommended for approval.

Questions to the Planning Officer

- (3) In response to Councillor Theobald, the Planning Officer stated that while the rooms were quite small the proposed dwelling did exceed the minimum size for a three bedroom dwelling as defined in Government guidelines which the Council could refer to but not enforce.
- (4) In response to Councillor Miller's concern that the ancillary room on the ground floor could be used as a fourth bedroom, the Planning Officer stated that the room looked to be around 2m x 2m which would make it a very small bedroom and he felt the description on the floor plan was fair.
- (5) Councillor Mac Cafferty was concerned that there had been no sunlight/ daylight report for the application especially as neighbouring buildings had ground floor and lower ground floor flats for which there may be a significant loss of light.
- (6) The Planning Officer responded that for smaller applications daylight reports were not provided as a matter of course and officers decided if they could adequately judge impact without a full report on a case by case basis.

Debate and decision making process

- (8) The Committee voted unanimously to grant planning permission.

133.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives and for the reasons set out in the report.

C BH2017/04139,9 THE UPPER DRIVE, HOVE -FULL PLANNING

Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level.

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

Officer Introduction

- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (3) The main considerations in determining the application related to the impact of the development on the character and appearance of the existing building, site and

streetscene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability issues. 16 letters of objection had been submitted to the Planning Department and the Planning Officer confirmed where the objections had been received from.

- (4) It was the Planning Officer's opinion that the development would not seem out of character with the area. The original design had been mindful of the relationship with no. 13 The Upper Dive but now that the development was in situ it was considered that the proposed extension would not have an overbearing impact on its neighbour.

Questions to the Planning Officer

- (5) In response to the Chair, the Planning Officer stated that the side windows as proposed were obscure glazing but this had not been a condition when permission was granted for the initial scheme. There was a four year window in which enforcement action could have been taken but this has now passed. There was a proposed condition to obscurely glaze the side windows for the current application.
- (6) Councillor Moonan asked why the design had been varied from the other two blocks. The bedroom on the top floor seemed to have been expanded and the terrace area reduced.
- (7) The Planning Officer responded that the variations did not cause enough harm to warrant refusal as it was broadly in keeping with the character of the surrounding area. He did not know why the design had been varied.
- (9) In response to Councillor Moonan, the Planning Officer stated that the extension would cause a loss of light in the neighbouring property but that the side windows which would be overshadowed were secondary windows and the loss of light was within acceptable levels.
- (10) In response to Councillor Miller, the Legal Adviser stated that the trees which had been planted as screening were a material consideration as they were in place and it was in the gift of whoever occupied the neighbouring building whether they were retained or not.

Debate and decision making process

- (11) Councillor Theobald stated that the building had originally been of a reduced size to protect the established neighbouring house. She was not convinced that circumstances had changed and felt that the proposed extension would be overpowering for the neighbouring house.
- (12) Councillor Moonan stated that she agreed with Councillor Theobald that the new block would be overbearing as the applicant had increased the size of the proposed block compared to the two existing ones.
- (13) Councillor Miller stated that he felt the additional bulk on the side of the block closest to the neighbouring house was not acceptable. He also stated that he would like an additional condition added to increase the height of the screen on the terrace to two metres along the terrace if permission was granted.

- (14) A vote was taken and on a vote of 3 For and 9 Against with no abstentions planning permission was refused.
- (15) Councillor Moonan asked the Legal Adviser to clarify whether the adult with disabilities living the neighbouring house could be referenced as a ground to refuse.
- (16) The Legal Adviser stated that in order to cite the impact of the development on the neighbour's disabled adult son as a reason for refusal the Committee would need to have evidence of the application's impact on them. While the report took into account the equalities and safeguarding duties the Council had towards the individual it did not provide any evidence of harm to him that may be caused by the development.
- (17) In response to Councillor Miller, the Planning Transport Officer stated that the development currently had two unassigned parking bays which the new flats would be able to rent and the local controlled parking zone did not have a waiting list. Thus increased pressure on parking was not a significant issue.
- (15) Councillor Miller proposed that the application be refused planning permission on the grounds that:
1. The building would be overbearing to established neighbours
 2. The building would overlook the neighbouring house and garden
 3. The design was not in keeping with the character of the surrounding area and would be damaging to the streetscene.
- (16) Councillor Bennett seconded the proposal.
- (17) A vote was taken on the proposed alternative recommendations. This was carried with Councillors Gilbey, Theobald, Bennett, Inkipin-Leissner, Littman, Miller, Moonan, Morris and Wealls in support (9) and Councillors Mac Cafferty, Platts and Cattell against (3) with no abstentions.
- 133.3 **RESOLVED** - That the Committee has taken into consideration the recommendation laid out in the report but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Miller detailed in paragraph (15) above.

D BH2017/03884, REAR OF 74 AND 76 GREENWAYS, BRIGHTON - FULL PLANNING

Erection of 2no four bedroom detached dwellings with associated landscaping and new access. Creation of new vehicle crossover to 74 Greenways.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The main considerations material to this application were the principle of development on the site, the impact of the proposed dwelling on the character and appearance of the

street, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability, ecology and traffic issues.

- (3) The principle of four dwellings on the site had been established in 2014 when application BH2013/04327 had been granted permission to redevelop the whole site. Two subsequent applications had been refused as they were considered to be overdevelopments of the site (BH2017/01199 and BH201605006). The current scheme was scaled back and had a similar footprint to the originally granted scheme.

Questions to the Planning Officer

- (4) In response to Councillor Bennett, the Planning Officer stated that permitted development rights were to be removed by condition.
- (5) In response to Councillor Miller, the Planning Officer confirmed that the proposed materials were to be agreed under a condition.

Debate and decision making process

- (6) Councillor Theobald stated that she was not in favour of backland developments such as the one proposed and felt that they had a significant negative impact on surrounding properties.
- (7) Councillor Gilbey stated that the proposal fitted in with other backland development in the area..
- (8) Councillor Inkpin-Leissner stated that he felt in the light of the extant permission that it would be difficult to justify refusing the application.
- (9) A vote was taken and by a vote of 10 For and 1 Against with no abstentions planning permission was granted.

133.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives and for the reasons set out in the report.

Note: Councillor Mac Cafferty was not present for the debate and vote on the application.

E BH2018/00865,31 HARRINGTON ROAD BRIGHTON- HOUSEHOLDER PLANNING CONSENT

Hip to gable roof extension, creation of rear dormer, installation of rooflights, windows and removal of chimney.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.

- (2) The application was a resubmission of a previously refused application (BH2017/01021) which had also been dismissed at appeal. The previous scheme had included hip to gable extensions, a rear dormer, rooflights to the front, rear and side elevations and the removal of 1no chimney. The appeal decision had been given significant weight by the Planning Officers. The Planning Inspector had stated that the hip to gable extension did not diminish the appearance of the building and that the loss of a chimney would not be sufficient grounds on which to refuse the application alone. The new application reduced the size and number of windows with a modestly sized rear dormer, two front roofslope rooflights and one rear roofslope rooflight.

Questions to the Planning Officer

- (3) In response to Councillor Morris, the Planning Officer confirmed that the Planning Inspector had concluded that the loss of one chimney on its own would not cause significant enough harm to refuse planning permission.

Debate and Decision Making Process

- (4) Mr Gowans stated that the Conservation Advisory Group recommended refusal as the application proposed radical changes to a house in the conservation area. He stated that while the Group’s objections around the rooflights had been partially addressed by the revised plan they still felt the loss of a chimney caused significant harm especially as the remaining rear chimney would be obscured.
- (5) Councillor Theobald stated that she felt the proposed roof changed the character of the building quite dramatically and would not be supporting the officer recommendations.
- (6) Councillor Miller stated that the extension would impact the conservation area and the design was quite different to the existing house and the surrounding area.
- (7) A vote was taken and on a vote of 8 For, 2 Against and 1 Abstention planning permission was granted.

133.5 **RESOVLED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives and for the reasons set out in the report.

Note: Councillor Mac Cafferty was not present for the debate and vote on the application.

F BH2017/03863,HOVE BUSINESS CENTRE FONTHILL ROAD,HOVE- FULL PLANNING

Creation of additional floor to provide 4no office units (B1) with associated works.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.

- (2) The main considerations in the determination of the application related to the principle of adding an additional floor comprising office units to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, sustainability and transport issues.

Public Speakers

- (4) Councillor O'Quinn submitted a written representation as she was not able to be present at the meeting, and this was read out by the Clerk:

"I wish to object to this planning application for the creation of a new, partial 4th floor on the Du Barry building consisting of 4 offices, in the strongest possible terms. There has been such a plethora of planning applications for this building in the last few years that it has been hard to establish what the present situation is. I am utterly amazed that we are expected to believe that on the one hand office space in the building is impossible to rent out and thus 15 flats are going to be built under Permitted Development, with no Affordable units, but on the other hand there is an application to build 4 new offices on the roof of this iconic building. What a contradiction in terms!

"The plans for the offices mean that the western elevation and central elevation will no longer just be flat, as was the intention of the architects who originally designed this building. I note that an amended plan has been put in place as a response to the criticisms of the Heritage department, thus the offices will be set back from the parapet now. However, by the reduction of one issue others have been made more contentious, in that the proposed offices will now sit closer to the edge of the northern side of the building, which runs adjacent to the backs of properties in Newtown Road. Residents of Newtown Road will now suffer a loss of light, some properties more than others and also a loss of privacy due to the large windows that are intended to run along the north facing walls of the offices.

"I would also like to reiterate the issue of parking in this area, which is already significant due to its proximity to Hove Station and to developments already taking place in the area nearby. I find it hard to accept that Highways have stated that these offices do not intend to have a requirement for parking. Of course they will! Staff and visitors alike will use visitor bays, which are already heavily oversubscribed.

"I can't state strongly enough how much I support local residents in their campaign to oppose this application - and others in the last few years. The applicants have created considerable confusion by putting in a number of applications, whether by design or not, and making endless changes to them. I urge you to refuse this application, which is a further blow to the integrity of the building's structure as a whole. We need to take more care of these historically important buildings and not allow them be compromised by unnecessary developments. We also need to protect residents from the harmful effects of over development."

- (5) Mr Rafferty spoke on behalf of the applicant and stated that the site had already been given planning permission and the scale of the application had been agreed in principle by the Committee. The proposed design had been altered to remove the glazing which could potentially overlook the neighbouring properties. While there was limited parking

on site the section 106 contribution could be used to improve foot and cycle paths. The multiple applications submitted were as result of changing market conditions and not an attempt to obscure what was actually being proposed.

- (6) Councillor Mac Cafferty asked what in Mr Rafferty's opinion had changed between the daylight report produced in 2015 which highlighted loss of light to ground floor windows in neighbouring properties and the current application.
- (7) Mr Rafferty responded that the proposed design had a slightly lower profile than the extant position but that the impact on daylight would be largely the same.

Questions to Officers

- (8) In response to Councillor Mac Cafferty, the Planning Officer stated that the Planning Inspector felt that the loss of light caused by the scheme was acceptable. Officers still felt that the loss of light was relevant to the application but the impact on neighbours was not enough to warrant refusal.
- (9) In Response to Councillor Morris, the Planning Officer stated that there was no specific condition to protect the decorative tiles during construction work but an additional condition could be added.
- (10) In response to Councillor Miller, the Planning Officer stated that there were no environmental health issues raised by the close proximity of the offices to flats as the offices were classed as B1 use which should be able to operate alongside residential use. Building Control would usually deal with sound proofing and it would not usually be added as a condition.
- (11) In response to Councillor Littman, the Planning Officer stated that permitted development rights did not have a test for whether office space was vacant or unwanted and the Council did not have any input in the decision to convert office space in the building into residential units. The loss of office space was regrettable as it was in very short supply in the city.

Debate and Decision Making

- (12) Councillor Inkpin-Leissner stated that he saw no legal basis on which to refuse the application.
- (13) Councillor Theobald stated that the application would provide much needed office space and she was pleased that the rear glazing had been removed to limit overlooking.
- (14) A vote was taken and on a vote of 11 For and none against with 1 abstention planning permission was granted.

133.6 **RESOVLED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT** planning permission subject to a s106 Agreement and the conditions and informatives and for the reasons set out in the report.

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

134.1 There were none.

8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

9 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

10 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

11 APPEAL DECISIONS

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

The meeting concluded at 4.30pm

Signed

Chair

Dated this

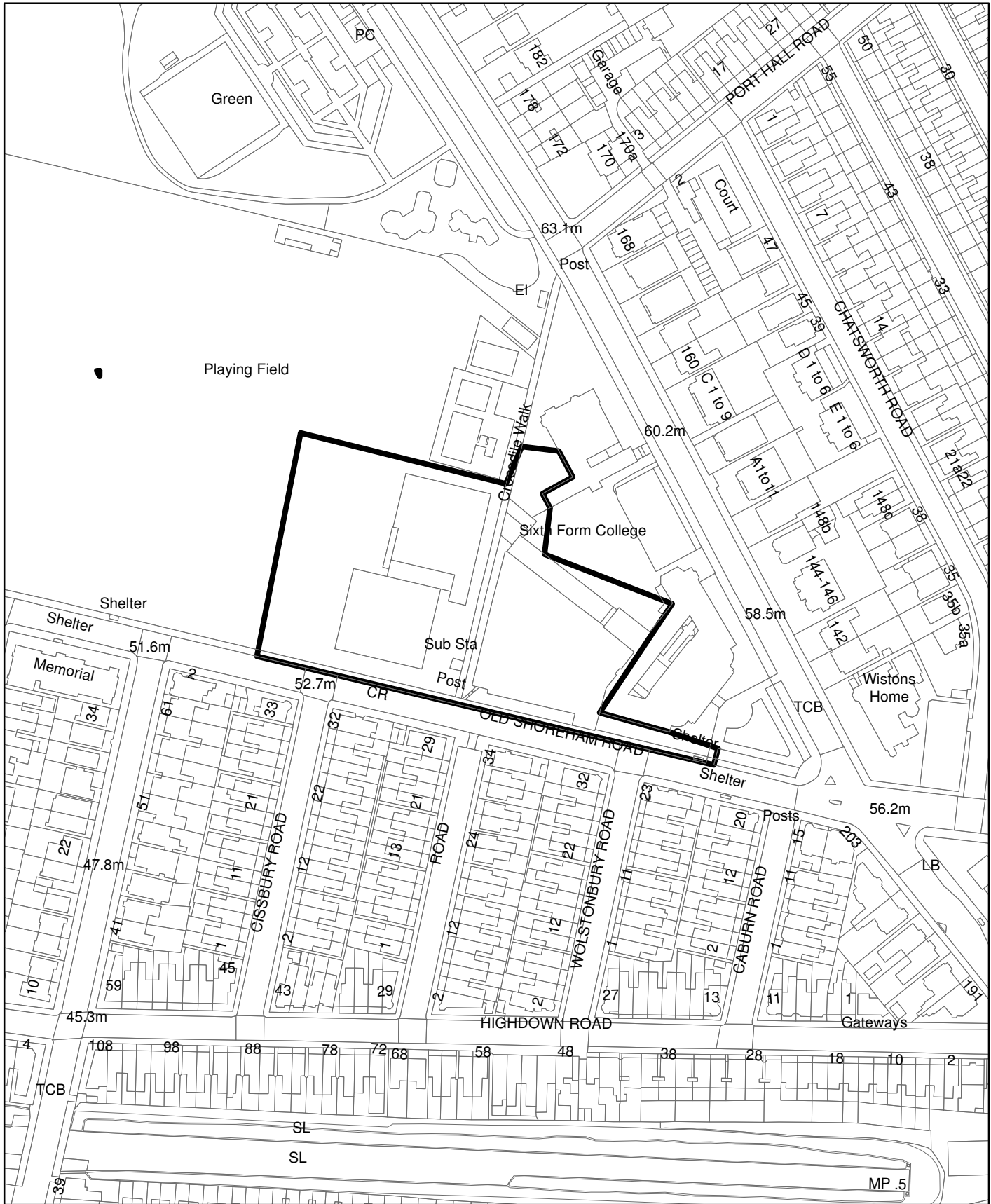
day of

ITEM A

**Brighton Hove And Sussex Sixth Form
College
205 Dyke Road, Hove**

**BH2017/03566
Full planning**

DATE OF COMMITTEE: 6th June 2018



Scale: 1:2,061

<u>No:</u>	BH2017/03566	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Hove And Sussex Sixth Form College 205 Dyke Road Hove BN3 6EG		
<u>Proposal:</u>	Erection of a 4no storey teaching block replacing existing temporary modular classrooms and incorporating general teaching spaces, flexible student study, learning areas, resource areas and performance spaces with associated hard and soft landscaping and relocated car parking.		
<u>Officer:</u>	Jonathan Puplett	<u>Valid Date:</u>	26.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	HNW Architects 61 North Street Chichester PO19 1NB		
<u>Applicant:</u>	BHASVIC Brighton Hove And Sussex Sixth Form 205 Dyke Road Hove BN3 6EG		

1. RECOMMENDATION

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

S106 Heads of terms:

The applicant is to provide the following, should the application be approved:

- Sustainable Transport Contribution of £60,300 towards off-site highway works.
- Local Employment Scheme Contribution of £28,230.
- Management Plan for the proposed outdoor performance area.
- Training and employment strategy using minimum 20% local labour during demolition and construction phase.
- An artistic element to be incorporated into the scheme to the value of £19,500.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	P001 A		25 October 2017
Site Layout Plan	EXISTING P100 A		25 October 2017
Block Plan Proposed	P101 A		25 October 2017

Site Layout Plan	P102 A		25 October 2017
Floor Plans Proposed	P200 A		25 October 2017
Floor Plans Proposed	P201 A		25 October 2017
Roof Plan Proposed	P202 A		25 October 2017
Elevations Proposed	P301 A		25 October 2017
Elevations Proposed	P302 A		25 October 2017
Streetscene elevation proposed	P303 A		25 October 2017
Streetscene elevation proposed	EAST P310 A		25 October 2017
Streetscene elevation proposed	WEST P900 A		25 October 2017
Other	WIREFRAMES P950		25 October 2017
Landscaping Proposed	L-1001		25 October 2017
Arboricultural Report			25 October 2017
Ecology Report			25 October 2017
Travel Plan			25 October 2017
Noise Report			25 October 2017
Other	MITIGATION AND HABITATS		25 October 2017
Other	ECOLOGICAL APPRAISAL		25 October 2017
Other	TRANSPORT ASESMENT		25 October 2017
Other	VISIBILITY STUDY		25 October 2017
Other	CONTAMINATION ASSESSMENT		7 November 2017
Other	EXISTING PITCH LAYOUT P107		14 December 2017
Other	PROPOSED PITCH LAYOUT P108T		14 December 2017
Other	TREE FOUNDATION DETAILS		8 February 2018
Other	ACCESS AND VISIBILITY P04		17 January 2018
Other	ROAD SAFETY AUDIT		1 February 2018
Other	ROAD SAFETY AUDIT RESPONSE		1 February 2018
Other	ROAD SAFETY AUDIT RESPONSE		8 February 2018

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 cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of the proposed windows and doorsDevelopment 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. Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority.
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.
7. The landscaping scheme detailed on drawing no. L-1001 received on 25.10.2017 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

9. Within 12 months of the teaching block being brought into use, the existing temporary classrooms as shown on plan number P100 A, located within the lower car park shall be demolished and the area provided as open space for the pupils attending the college.

Reason: The temporary classrooms are unsightly and to comply with policies CP12 of the Brighton & Hove City Plan

10. Prior to first occupation all ecological measures and/or works shall be carried out in accordance with the details contained in the Mitigation Statement and Habitat Creation and Management Plan (The Ecology Co-op) dated 19/10/17, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

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

(i) The phases of the Proposed Development including the forecasted completion date(s)

(ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained

(iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

(iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

(v) Details of hours of construction including all associated vehicular movements

(vi) Details of the construction compound

(vii) A plan showing construction traffic routes

(viii) An audit of all waste generated during construction works

(viii) Details of measures to reduce the impact construction vehicles have on the highway network

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

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

12. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;

ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

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

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

13. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No new soakaways should be located within 5m of a public water main.

Reason: To ensure the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan

14. Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a 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 the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

15. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building

Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

16. Prior to first occupation details of disabled parking provisions shall be submitted to and agreed in writing by the Local Planning Authority. The parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and retained as such thereafter.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
18. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Old Shoreham Road opposite 32B Wolstonbury Road back to a footway by raising the existing kerb and footway, and remove the Keep Clear road markings removed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.
19. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
20. No development shall take place until the final detailed design and associated management and maintenance plan of surface water drainage as per the recommendations of the BHASVIC Digital & Creative Media Centre Planning Report, dated 23 October 2017 (Section 2 Drainage Strategy Report) 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 and associated maintenance are incorporated into this proposal and to comply with policy SU3 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. 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".
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
4. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - (ii) A commitment to reduce carbon emissions associated with staff and student travel:
 - (iii) Increase awareness of and improve road safety and personal security:
 - (iv) Undertake dialogue and consultation with adjacent properties:
 - (v) Identify targets focussed on reductions in the level of staff and student car use:
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
 - (viii) Identify a nominated member of staff or post to act as Travel Plan Coordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
 - (ix) Provide staff and students with a Travel Plan pack which provides information such as walking & cycle maps, public transport information, to promote the use of sustainable travel.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to BHASVIC, a sixth form college, which is located on a triangular shaped piece of land at the junction of Old Shoreham Road and Dyke Road. The existing building at the junction is a distinct local land mark and is listed as a building of local interest noted for it's redbrick Queen Anne style college building which is well-sited, impressive iron gates with enamelled shields of Brighton.
- 2.2 The main BHASVIC building is a Locally Listed Heritage Asset.
- 2.3 Along the western boundary a public footpath separates the main school site, from the sports hall and playing fields to the west.
- 2.4 Opposite the site two storey residential properties are located on the south side of Old Shoreham Road. On Dyke Road the majority of the buildings are also residential but comprise of two storey houses and three storey purpose built blocks of flats.
- 2.5 Full planning permission is sought for the construction of a 4no storey building to provide additional floor space for educational purposes along the Old Shoreham Road frontage in addition to the provision of external performance spaces, the relocation of the existing car park and associated hard and soft landscaping. This application follows pre-application advice given in August 2017.
- 2.6 The proposed teaching block will replace the existing temporary modular classrooms currently located south of the Link Building and located within the lower car park.
- 2.7 The new building will create a new Digital and Creative Media Centre which will provide an additional 2,823sqm of floor space to incorporate general teaching spaces, flexible student study area and learning/resource areas. The application also includes external performance spaces to the north of the proposal, between it and the Link Building.
- 2.8 In addition the application incorporates the relocation of the lower car park. The new car park proposed is to be located adjacent to the existing grass sports pitches. The car-park will use the existing cross-over onto Old Shoreham Road which is currently used for maintenance access to the playing fields.

3. RELEVANT HISTORY

BH2017/00194: Temporary three year permission for existing single storey modular building and erection of new single storey modular building with associated steps and ramps with temporary three year permission. Approved May 2017.

BH2016/01363: Change of temporary permission of existing single storey modular building to permanent permission and erection of first floor modular building above existing modular building with associated staircase enclosure. Refused 16 June 2016 for the following reason:

The permanent retention and proposed additional storey to the modular classrooms, due to their design, scale, siting and materials would form an inappropriate and incongruous feature that would fail to relate to the layout of the historic main buildings, resulting in un-coordinated clutter on the site. The proposal would therefore cause significant harm to the character and appearance of the existing historic building, streetscene and the surrounding area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan and policy QD14 of the Brighton and Hove Local Plan.

BH2013/03816: Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area. Approved 18/02/2014. Subsequent applications for the discharge of conditions have been approved.

BH2013/02082: Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area. Refused 31/10/2013.

BH2013/00143 Demolition of existing lobbies and erection of new part covered lobbies (Part-Retrospective). Approved 01/07/2013 BH2012/02063 Replacement of existing windows to the main building with UPVC and aluminium windows. Approved 24/08/2012.

BH2012/01118: Erection of temporary single storey modular classroom and steel container for a period of five years. Approved 12/06/2012.

BH2011/03469: External refurbishment of Student Common Room including installation of access ramp. Erection of canopies to College House, the main building, student services building and the canteen area. Approved 08/02/2012.

BH2010/01096: Erection of new temporary two storey classroom building for 5 years replacing existing single storey building and retention of existing temporary single storey classroom for a further 4 to 5 years. Approved 02/07/2010.

BH2008/01457: Installation of a two storey Portakabin Ultima building to be used as classroom facilities for a hire period of 5 years Approved 21/08/2008. (Consent expired).

BH2008/01275: Proposed single storey extensions to north and west elevations of existing sports centre including extension to tennis court to form netball courts. Approved 22/08/2008.

BH2008/01113: Proposed redevelopment of educational facilities comprising one 4-storey, one 3-storey and one 3 and 1-storey blocks and associated works. Approved 29/01/2009.

BH2007/00925: Outline application for erection of educational facilities comprising one 3 storey, one 4 storey and one 3 and 1 storey blocks and associated works. Approved 23/01/2008.

4. REPRESENTATIONS

4.1 Eighteen (18) letters have been received objecting to the proposed development for the following reasons:

- No consideration has been given to the impact on the vehicular cut through and parking in neighbouring residential streets by staff, students, parents and attendees at BHASVIC events, including evenings and weekends.
- The new development would exacerbate the existing on street parking problems in residential areas.
- The BHASVIC is not currently supplying sufficient car parking spaces for its requirements.
- The height of the building will have a significant impact on the road
- BHASVIC is already over-developed
- Noise and disturbance to residents in neighbouring roads
- The existing transport infrastructure is inadequate resulting in Wolstonbury Road being used as a cut through.
- Opposed to the issuing of school parking permits in residential roads
- The potential impact to the neighbourhood as a result of the expansion to BHASVIC.
- It is already difficult enough for existing students to cross busy roads safely.
- The proposed 4 storey building will result in overlooking and loss of privacy given the large areas of glazing proposed.
- The proposed building is large and will our property would feel overshadowed by its presence.
- The new road layouts and access point form part of a 4 way cross-roads which could lead to an increased risk of accidents.
- The zebra crossing to the southern end of Crocodile Walk is already dangerous, the additional access will result in an increased risk of injury.
- The application should incorporate increased traffic calming measures
- The application needs to address staff parking both on site and in neighbouring roads
- The four storey building is close to the boundary of the site
- The intended use of the outdoor stage is unclear and could result in an impact to residents
- Any planning approval should include conditions on construction work

4.2 Sixty (60) letters have been received supporting the proposed development for the following reasons:

- BHASVIC is in need of fit for use classrooms

- Other areas within the college are not big enough for students
- No need for on-street parking as the site will still provide spaces for staff
- BHASVIC is an outstanding college
- The college provides a vital service to young people in the area
- The proposed building is in-keeping with the style of the rest of the college
- Outside areas are proposed which enhances student well-being
- The college struggles to accommodate its students
- The development will enable new facilities for the demands and needs of students
- The benefits to the college and local businesses will be long lasting
- The number of parking spaces on the campus are to remain the same
- Investment is needed for current students who will become the future workforce
- BHASVIC competes with other colleges and is a credit to the city
- The proposal replaces ugly porta-cabins
- The educational facilities will benefit the wider community
- The existing space is better used for a new building
- Growth in the college capacity will mean more young people receive a higher quality education
- The closure of a sixth form college in Haywards Heath means a further reduced choice of education for young people
- We should support young people's education

4.3 Councillor Vanessa Brown supports the application; a copy of the letter is attached.

4.4 Councillor Jackie O'Quinn objects to the application; a copy of the letter is attached.

4.5 Hove Civic Society have provided the following comment:

- The application may provide opportunity for additional street trees on the southern side of the development along Old Shoreham Road. In the long term this would help to maintain and enhance the setting of the college.

5. CONSULTATIONS

Internal:

5.1 Planning Policy: No objection: New Educational Block

The Planning Statement submitted with the application sets out how the current accommodation at BHASVIC does not provide fit for purpose teaching spaces that allow for modern teaching methods in specialist classrooms, and the current situation compares unfavourably to the national average in terms of accommodation (m²) per existing student.

The provision of new educational facilities is supported by Local Plan Policy HO19 subject to a number of criteria being met. No concerns are raised with regard to these and the principle of the development is therefore supported.

Loss of Open Space and Outdoor Sports Space

To accommodate the new building the proposal seeks to relocate an existing car park onto part of the existing netball area and playing field. The playing field has seen an incremental encroachment over a number of years by virtue of temporary classrooms and the sports hall. However these were justified on the basis that they were either temporary or offered significant benefits to sport. It is apparent that the temporary classrooms have become more permanent impacting upon on the balance between open space and built/hard form.

City Plan Policy CP16 places a priority on retaining existing playing fields. City Plan Policy CP17 makes clear outdoor sports facilities and spaces should be retained, enhanced and be used more effectively and loss will not be permitted unless specified criteria are met. It is not considered that this proposal meets the specified criteria.

It is noted that the proposal will not impact upon the existing marked out grass sports pitches, however playing fields are not just the marked pitches. They also include the important circulation space around pitches. The proposed car park that seeks loss of sports and open space, when taken in the context of the incremental loss of open space that has already occurred over the past decade or so, is therefore considered contrary to policy.

The loss must therefore be robustly justified for an exception to policy to be considered, or an alternative location found for the car park or an alternative solution that reduces the need for on-site car parking.

Sustainable Waste Management

Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.

Amended Comments following receipt of additional information 02.01.2018

Further to previously submitted comments, additional information has been provided by the applicant in relation to the loss of an element of the sports pitches. It is noted that in addition to the retention of the existing marked out sports pitches, sufficient circulation space will also be retained in line with guidance in Sports England's current revision of 'Comparative sizes of Pitches & Courts (outdoor)' document.

Sport England do not raise an objection to the proposed development. Information from the applicant clarifies that this area "consists of a plastic permeable paving grid with worn tire grooves down the centre of it and gravel patches, which are not level or safe for sports use, along with piles of mud overgrown with grass."

In these circumstances, and given the wider benefits of the proposal in improving the educational facilities on the site, it is considered that an exception to policies CP16 and CP17 can be justified.

5.2 Heritage: No objection subject to condition

It is noted that the proposed height and footprint of the building are generally within the limits of the 2009 approval and it is not considered that there are any new material considerations from a heritage perspective that would lead to seeking amendments in these respects. The proposals would not directly impact upon the locally listed building but there would be some impact on the setting of the building, particularly in views from Old Shoreham Road to the west and from the playing field from where the roofline of the main building, with its copper cupola, is a positive feature.

The submitted wireline views and east and west perspectives show that the new building would be substantially screened by mature trees in all of the views and that it would not visually compete with the locally listed building. The roof-top cupola would not be obscured or impinged upon. In the near views from Old Shoreham Road the design, proportions, rhythm and materials of the new building would appear wholly sympathetic.

The removal of the temporary teaching buildings is considered to be a positive benefit to the locally listed building's setting. Overall it is considered that the proposals would cause no harm to the setting of the locally listed building.

A material sample of the proposed brick is requested by condition.

5.3 Environmental Health: No objection subject to condition

There are concerns about how local residents will be affected during the construction of the proposed teaching block. The construction proposed, is in very close proximity to local residents on Old Shoreham Road.

Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

It is therefore recommended that a Construction Environmental Management Plan be required, which may necessitate the final developer signing up to a section 61 prior agreement.

5.4 Sustainability: No objection subject to condition

The minimum building standards expected for major non-residential development through policy CP8 of the adopted City Plan is BREEAM 'Excellent'. A BREEAM pre-assessment report has been submitted with the

application confirming that an 'Excellent' standard has been targeted for the scheme. This meets CP8 minimum standards.

The proposals address policy CP8 and in particular energy performance standards well. Positive measures include: approximately 125m² of PV Cells to be mounted on the roof and integrated external shading system on the south facade. The proposed design incorporates a number of passive design measures, as well as energy efficient measures, to reduce the energy demand of the building. The design of the mechanical services offer a reduction in the overall carbon emission of the building. Services for the building include: mechanical ventilation with heat recovery; high efficiency gas fired condensing boiler for hot water and space heating; high efficiency heat pump cooling system (IT Suites only); building energy management system to provide monitoring and control of the building services; low energy lighting within the new development; daylighting and PIR controlled lighting.

It is recommended that the BREEAM condition requiring 'excellent' rating be secured.

5.5 Public Art: Comment

An artistic element / component to the value of £19,500 should be secured to comply with Policies CP5, CP7 and CP13.

5.6 City Regeneration: No objection subject to S106 Agreement

City Regeneration supports this application.

Sixth form, FE and HE institutions need to be able to provide the necessary training and study opportunities which can, as in this instance, stimulate a review of current teaching facilities to ensure they are fit for purpose. This development will replace temporary classrooms, which should provide an appropriate environment for students and demonstrate that as a city, we take the challenges of growing our economy, through training and education, seriously.

Due to the size of the development, 2823 sqm this triggers a requirement for the submission of an employment and training strategy linked to the site.

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, due to the size of the development, there will be a requirement for Developer Contributions of £28,230 to be paid prior to commencement of the site, to be used to support the activities of the Local Employment Scheme and to contribute to training to enhance the opportunities for local people on site

during the life of the development which will help address the construction-related skills shortages in the city in the future.

5.7 Sustainable Transport: No objection subject to condition

No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.

Required conditions:

- Full details of appropriate cycle parking
- Reinstatement of the redundant vehicle crossover on Old Shoreham Road
- The submission of a Travel Plan
- The retention of the parking area shown on the approved plans
- Details of disabled parking provisions
- Construction Environmental Management Plan (CEMP)

S106 requirements:

Contribution of £60,300 which shall go towards:

- Dropped kerbs/ tactile paving in the local area to assist pedestrian movements and enable mobility or sight impaired students, staff and visitors to access the college; and/ or
- Updating nearby bus stops to be accessible for all including those mobility or sight impaired students, staff and visitors; and/ or
- Off-site Brighton BikeShare facilities in the vicinity of the college to enable students, staff and visitors that may not own and/or have cycle storage space to cycle to the college

Further comments 15/05/2018 following the Submission of a Traffic Implications Report and Habitat Regulations Assessment:

Having reviewed the Traffic Implications Report and HRA SSR I would support the applicant's recommendation that the traffic impacts on the 3 European Sites considered are likely to be so low as to be properly ignored, such that all 3 may be screened out.

5.8 Arboriculture: Comment

The proposal involves a number of elements which will impact on trees of particular concern is the 3 large Huntingdon Elms along Crocodile walk along with a number of roadside trees on the Old Shoreham Road.

There is potential for conflict between the foundations of the New Digital & Creative Media Centre which has been highlighted in the Arboriculturist report. The foundation design will need to take this into consideration, whilst a technical solution may be possible to assure the trees retention and minimise the impact details have not been provided.

The proposed new access road utilising the existing crossover onto Old Shoreham Road should have minimal direct effect on the neighbouring street tree. However, it is understood that the trees location will conflict with sightlines

and will need to be removed. This tree is in reasonable to good condition and is a valuable asset that we would not wish to see removed. Similarly other mature Elms along this stretch of the road are important contributors to the street scene and we would object to any amendment that would threaten their loss.

In landscaping terms the proposed car park and access road along the western edge of the site would be an unwelcome intrusion. Visually the road and parked vehicles would be obtrusive and the loss of green space within the park environment would be detrimental to the area. In view of this and the potential tree losses the Arboricultural team recommend that consent is refused.

Additional comments following submission of further information 18.01.2018.

The technique outline in figure 26 of the Structural Engineer's document has a lower potential for impact on the trees and this type of construction would be supported, under suitable supervision and with an approved method statement. This information should be secured by condition.

5.9 Ecology: No objection subject to condition

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The site comprises hard standing, amenity grassland, buildings scrub and linear features.

Features of highest ecological importance are boundary hedgerows and mature trees which should be retained and protected. 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 of the buildings on site offer some bat roost potential as does one mature tree in the southern boundary; none of these features will be affected by the proposed development. The site overall offers low to moderate potential for foraging and commuting bats. A sympathetic lighting regime should be developed to avoid impacts on bats.

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 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

The site is unlikely to support any other protected species that could be impacted by the proposed development. If protected species are encountered, work should stop and advice should be sought from a suitably qualified and experienced ecologist.

The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. The measures proposed in the Mitigation Statement and Habitat Creation and Management Plan are appropriate to reduce impacts on protected species and to enhance the site for biodiversity. If the Council is minded to approve the application, it is recommended that a condition is attached in line with BS42020:2013 to ensure all works are carried out in accordance with the Mitigation Statement and Habitat and Management Plan dated 19th October.

5.10 Flood Risk Management Officer: Comment

No objections are raised subject to full details of a surface water strategy being secured by planning condition.

External:

5.11 Sport England: No objection subject to condition

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The proposed development results in a minor encroachment onto the playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

While Sport England is not in favour of playing field land being lost to car parking, this proposed car parking and access would appear to be largely sited on an area of the playing field which is already used for access according to aerial photography. Existing pitches would appear to be unaffected.

This being the case, Sport England does not wish to raise an objection to this application. This is subject to the applicant ensuring that all minimum safety run-off distances are maintained (at least 3m) between the pitches and the proposal

5.12 Brighton and Hove Archaeological society: No Objection

The area around this part of Dyke Road has produced, in the past, a significant amount of archaeological finds including flint work from the Neolithic period. It is possible that vestiges of an ancient landscape may still be present.

5.13 County Archaeology: No Objection

This application is situated within an Archaeological Notification Area. However, given the modern impacts on the site, based on the information supplied it is not believed that any significant below ground archaeological remains are likely to be affected by these proposals.

5.14 Sussex Police No Objection

It is noted that the building footprint is located within the confines of the existing campus perimeter fencing and therefore comments are confined to the new development only.

The following measures are advised to achieve a secure design:

- 1.8m high weld mesh fence and gate along the western edge of the development and proposed relocated car park
- Driveway and pedestrian gates should be lockable and of a framed design employing galvanised adjustable hinges
- All external lighting for footpaths and car parking areas should comply with BS5489:2013. Lighting design should be coordinated with a CCTV installation to avoid any conflicts.
- Entrances to the new building and around the new performance and events stage must be well illuminated using vandal resistant lighting.
- All glazing in and adjacent to doors must include one pane of attack resistant glass securely fixed in accordance with manufacturer's instructions.
- Consideration should be given to the security of the access doors required when the building is unoccupied and also the demand placed upon them.
- Glazed curtain walling must be installed using a secure glazing retention system using Security glazing tape , dedicated security sealant or gasket, or a secure mechanical fixing system to PAS 24:2016 or LPS 1175SR1 or STS 202 BR1.
- Consideration must also be given to the secure structure of walls and ceilings.
- A fit for purpose intruder alarm system is linked to the college main intruder alarm system and installed within the building with police response and which complies with Police Chiefs Council (formerly ACPO) security systems policy.

The application proposes the installation of 1.8m high weld mesh fence and gate along the western edge of the development and proposed relocated car park.

5.5 Southern Water: No Objection subject to conditions

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.

Alternatively, the developer can discharge 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 surface water system. The application will be required to provide a topographical site survey and/or a CCTV survey showing the

existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, Southern Water would like a condition to be attached to any permission to secure a drainage strategy detailing the proposed means of surface water disposal and an implementation table. In addition a condition should be attached to secure details of the proposed means of foul and surface water sewerage disposal.

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 applicant or developer. We request that should this application receive planning approval.

5.6 UK Power Network No Objection

5.7 Wealden District Council: Objection

The application proposals do not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC. A likely significant effect could not be ruled out for Lewes Downs SAC and Ashdown Forest SAC/ SPA. Therefore an appropriate assessment must be undertaken.

The planning application under consideration does not include any reference to the conservation objectives as required by Regulation 102 of the Conservation of Habitats and Species Regulations 2010 or consideration of the impact upon site integrity.

The need to restore to achieve favourable conservation status of its qualifying features is not discussed in the planning application in addition to any ecological matters in regard to Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC relevant to pollutants.

In addition to lack of consideration of conservation objectives it is also submitted that the planning application does not take into account the current situation with regards to pollutants and site integrity. The overall lack of consideration of site integrity and conservation objectives, including the lack of consideration of cumulative impacts in this regard, results in an incomplete evidence base to inform the proposal.

At this stage, it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the development 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
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP16 Open space
- 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
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

HO19 New community facilities
HO20 Retention of community facilities
HE10 Buildings of local interest

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the development to include the loss of the existing open space and outdoor space and the provision of new educational facilities, the design of the proposed teaching block in respect of scale and appearance in addition to the associated hard and soft landscaping and new car parking area, whether the development will have detrimental impact on neighbouring amenity and whether the proposal is acceptable with regards to sustainable transport issues.

8.2 Principle of Development:

Policy HO19 of the Brighton & Hove Local Plan refers to new community facilities and includes education facilities and states planning permission will be granted for community facilities where it can be demonstrated that:

- a) the design and use of the facility will ensure its accessibility to all members of the community;
- b) there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
- c) the location is readily accessible by walking, cycling and public transport; and,
- d) adequate car and cycle parking, including provision of people with disabilities, is provided.

The supporting information submitted as part of the application states that the current accommodation of BHASVIC does not provide fit for purpose teaching space that allows for modern teaching methods in specialist classrooms.

Previous planning permissions have been linked to the site for the erection of temporary science labs but these are a short term solution. The proposed new teaching block will not significantly increase the numbers of staff and students of the college but rather accommodate the year on year increases that the college must accommodate.

Although the proposal is not a new community facility, the new building will enhance existing educational facilities at the college and therefore accord with policy HO19.

The existing temporary modular buildings within the lower car park were approved under application BH2017/00194 and allow for the retention of these building until May 2020. The supplementary information submitted with this

application states that the modular classrooms are anticipated to be removed from the site within 12 months of the completion of the new building, which will enable the requirement of floor space immediately.

To accommodate the new building the proposal seeks to relocate an existing car park onto part of the existing netball area and playing field. City Plan Policy CP16 states that "the council will require the retention of and seek better, more effective and appropriate use of all existing open space". Criterion 1b of the policy places a priority on retaining existing playing fields. City Plan Policy CP17 makes clear outdoor sports facilities and spaces should be retained enhanced and be used more effectively and loss will not be permitted unless specified criteria are met.

It is noted that the proposal will not impact upon the existing marked out grass sports pitches, however the proposed car park will result in the loss of some circulation space around pitches. It is considered that sufficient circulation space will be retained in line with guidance in Sport England's current revision of 'Comparative sizes of Pitches and Courts document. The encroachment onto the playing fields is minor and would not reduce the sporting capability of the site. Furthermore the position of the proposed access and parking would be on an area of playing field which is already used for maintenance access.

In these circumstances and given the wider benefits of the proposal, it is considered that an exception to Policies CP16 and CP17 can be justified.

8.3 Design and Appearance:

The height of the proposed 4 storey block is of a similar height to the existing main building which is to be retained at the apex between Dyke Road and Old Shoreham Road and therefore in broad terms the proposal respects the height and form of the existing main block. Nevertheless the scheme proposed substantially increases in accommodation and the scale of the development is significant and the proposed building would be prominent.

The contemporary design is supported in principle and is endorsed by local plan policies particularly since the new block will be of a similar height as the existing main block. The proposed teaching block provides a flat roof and contrasting fenestration and therefore will be read as modern additions to the existing neighbouring buildings. The use of the red brick will assist in providing some continuity between the old and new buildings.

Whilst the front elevation of the new block facing onto Old Shoreham Road appears high, it should be noted that the fourth storey would be set back by approximately 3.4m. This will reduce the impact of this element on the streetscene. The height of the building and the eaves are comparable to that of the existing building. The main corner building has three storeys of accommodation with an additional storey set in a pitched roof area with dormer windows. The proposal seeks to replicate this design by having three storeys of flush accommodation with the additional set back storey to reduce the overall massing. The building incorporates provisions of plant equipment on the roof of the building. The proposed roof plan submitted shows the positioning of these

elements are set well back from the Old Shoreham Road elevation (approximately 16m) and therefore the visual impact of this element of the proposal is considered to be acceptable. The submitted wireline views and east and west perspectives show that the new building would be substantially screened by mature trees in all of the views and that it would not visually compete with the locally listed building.

The frontage of the proposal is in the same position as the previously approved scheme BH2008/01113, which was for a four storey building in this same location of similar height and width.

The position of the building, which sits to the south of the site, results in the creation of an external courtyard performance space to the north of the new building, between it and the Link Building. An external performance and events stage is proposed as shown on the proposed site plan, adjacent to the Crocodile Walk 2000 footpath. The remainder of the area between the proposed teaching block and the Link Building will provide hard landscaping.

The existing lower car park is to be relocated adjacent to the existing sports hall with access positioned to the west of the existing netball court. Whilst the proposals will result in additional area of hardstanding, the application proposes the planting of hedging and new trees as a buffer to the school playing fields. In addition this section of the site is screened from Old Shoreham Road by a number of existing trees which are to be retained.

8.4 Landscaping:

The application is accompanied by landscape proposals (drawing L-1001) which include all hard and soft areas of landscaping associated with the scheme. Whilst the proposed car park and access road would result in the loss of green space within the park environment, the application seeks to retain all other existing areas of soft landscaping and proposes the planting of new trees to the western side of the site, to run parallel with the new car park.

8.5 Trees:

The site is protected by an area Tree Preservation Order. There is potential for conflict between the foundations of the New Digital & Creative Media Centre which has been highlighted in the Arboriculturist report.

During the lifetime of the application, additional information has been submitted to provide further detail of the proposed foundation design of the new building. The technique proposed is considered to have a lower potential for impact and would be supported subject to the submission of an approved method statement.

8.6 Impact on Amenity:

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

The properties most likely to be affected by the proposal to create a new 4no storey teaching block are those opposite the site on Chanctonbury Road and Wolstonbury Road. The proposals would retain a separation distance of approximately 21m to these neighbouring residential properties. The properties located opposite the site are orientated in an east west direction facing onto the side roads which run south from Old Shoreham Road.

The proposed new Digital and Media Centre would have a similar relationship with the dwellings opposite to the existing relationship between the main building and neighbouring occupiers. The set back of the fourth storey from the front elevation together with the respective separation distances, ensure that the development would not have a detrimental impact on neighbouring amenity by reason of overshadowing or loss of light. The separation distances of the development to neighbouring properties would prevent a significant loss of privacy to neighbouring occupiers.

As previously noted, the application incorporates a top floor set back to the Old Shoreham Road elevation which ensures that the development would not be overbearing on neighbouring properties. The overall relationship between the new building and the existing residential properties in the vicinity of the site is considered to be acceptable.

Acoustic targets for the internal spaces have been identified in the application and appear to meet the relevant targets for this type of development. Full details of soundproofing are also required. However in both of these cases, further details can be secured by the imposition of a condition.

It is likely that neighbouring residents will be affected during the construction of the proposed teaching block and therefore it is recommended that a Construction Environmental Management Plan be secured by condition to minimise disruption.

To the north of the proposed teaching block is an external courtyard which features an outdoors stage and performance area. The application submission sets out that this space will mainly be used for teaching and performance practice during normal college opening hours. It is also anticipated that this space will be used for the occasional evening and weekend performance. The courtyard space incorporates building mounted perimeter lighting, to match existing however, no fixed external lighting specifically for the use of the stage is proposed.

It is recommended that a management plan for the proposed performance area is secured by legal agreement to include all proposed uses and operating hours to ensure no harmful impact would result to neighbouring residents.

It is noted that a number of the objections received relate to parking matters. These issues are covered in the transport section below.

8.7 Sustainability:

Preliminary assessments indicate that the development would achieve a BREAAAM assessment score of excellent, which is in line with the minimum building standards expected for this scale of development in accordance with Policy CP8. A BREEAM rating of excellent is sought by condition.

The proposals address policy CP8 and in particular energy performance standards well. Positive measures include: approximately 125m² of PV Cells to be mounted on the roof and integrated external shading system on the south facade.

The proposed design incorporates a number of passive design measures, as well as energy efficient measures, to reduce the energy demand of the building. This will offer a reduction in the overall carbon emission of the building.

8.8 Sustainable Transport:

Whilst the applicant has stated that initially student and staffing numbers would not increase as a result of the proposed development, it is considered that the formation of additional teaching accommodation of the scale proposed does provide the potential for additional student and staffing numbers in the future. The scheme has been assessed on that basis.

During the course of the application the Transport Team raised concerns in regard to the proposed vehicular access to the new car park area as the street trees in situ have the potential to restrict visibility for vehicles, cyclists and pedestrians. Through the submission of amended and additional information the applicants have demonstrated that the proposed access would not cause an increased highway safety risk.

The transport impact of the proposed development upon Special Areas of Conservation was also raised as an issue of concern during the course of the application and this is addressed below.

Overall it is considered that the transport impacts of the proposed development would be acceptable subject to the following be secured by planning conditions / Legal Agreement:

- Full details of appropriate cycle parking
- Reinstatement of the redundant vehicle crossover on Old Shoreham Road
- The submission of a Travel Plan
- The retention of the parking area shown on the approved plans
- Details of disabled parking provision
- 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 £60,300 which shall go towards an area wide scheme of sustainable transport improvements.

8.9 Impact upon Special Areas of Conservation:

Wealden District Council has objected to the application on the grounds that it is unproven that the traffic created by this proposal would result in air pollution

which would detrimentally affect the biodiversity and ecology at the three SACs.] which forms a material consideration in the determination of this application. This follows a High Court judgment in March 2017 in response to a challenge by WDC to the Lewes District Joint Core Strategy relating to the potential cumulative impact of air pollution resulting from increased traffic movements on the Ashdown Forest SAC.

To adequately assess the potential impacts, on the 8th of May the applicant submitted a Habitats Regulations Assessment: Shadow Screening Report (HRA) together with a Traffic Implications Review (TIR). A TIR takes into account the Annual Average Daily Traffic (AADT) generated by a proposal. If the results of the HRA screening are that the effect of a proposal in combination with other development on a Special Area of Conservation is likely to have significant effects, then appropriate assessment is required which evaluates the potential significant effects. This may lead to a need to identify mitigation measures.

The Applicant's Traffic Implications Review and Habitats Regulations Assessment: Shadow Screening Report concludes that the uplift in traffic and the resulting impact on the Ashdown Forest generated by this proposal, would not be consequential enough to warrant an assessment which takes into account the effects of the proposal in combination with other development.

Taking account of the characteristics of other European sites within a 20km radius of the application site, it is considered that there is no potential for significant in-combination effects resulting from the application proposal. Therefore no detailed HRA screening for other European sites is considered necessary.

8.10 Conclusion

The proposed development would provide 2,823 sqm of additional teaching floor space for the existing students of the college which will provide much needed specialist classrooms and will enhance the existing educational facilities of the college. The development would also provide an external performance space which will provide an additional teaching resource and an area for occasional evening and weekend events.

The proposed teaching block is considered to represent a high quality design which would have a positive impact upon the Old Shoreham Road Streetscene.

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

- Cycle parking provision and travel plan measures;
- Sustainable transport infrastructure Improvements;
- Compliance with sustainability standards;
- A scheme of ecological improvements;
- An Artistic component;
- Contributions towards the Council's Local Employment Scheme.

In order to accommodate the new teaching block the proposal incorporates the relocation of the existing car park onto part of an existing playing field. As such the development would result in the loss of some circulation space around its pitches. This represents a negative impact.

Overall, it is considered that the scheme would deliver substantial benefits and the negative impacts identified do not warrant refusal in this case. Approval is therefore recommended subject to the conditions and s106 requirements set out in Section 1.

9. EQUALITIES

9.1 No implications identified.

10. Developer Contributions

10.1 Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of a £60,300 contribution to sustainable transport infrastructure to be allocated towards the following:

- Dropped kerbs/ tactile paving in the local area to assist pedestrian movements and enable mobility or sight impaired students, staff and visitors to access the college; and/ or
- Updating nearby bus stops to be accessible for all including those mobility or sight impaired students, staff and visitors; and/ or
- Off-site Brighton BikeShare facilities in the vicinity of the college to enable students, staff and visitors that may not own and/or have cycle storage space to cycle to the college

10.2 Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £28,230 plus a commitment to 20% local employment for the demolition and construction phases.

10.3 Public Art: An artistic element to be incorporated into the scheme to the value of £19,500.

Councillor: Vanessa Brown
BH2017/03566 BHASVIC

As a Ward Councillor I am writing in support of the above application. BHASVIC is an excellent sixth form college and very popular. They need more space for specialist facilities. The recent extension facing Dyke Road is of a good design and fits well in the street scene. This proposed building is of a similar design so again should not detract from the street scene.

Councillor: Jackie O'Quinn - Goldsmid Ward Councillor
BH2017/03566 BHASVIC

I wish to object to this planning application as I have been approached by a number of residents in the immediate vicinity of the college asking me to act on their behalf. I was surprised that I hadn't been included in the initial consultation as Goldsmid Ward borders onto the college and thus Goldsmid residents would be affected by the proposed building. I understand that this area is deemed to be Hove Park but there are no residents of Hove Park in the vicinity of the college so it would have been helpful to be included in the consultation.

The main issues that residents have raised is parking and the increased flow of traffic in the area that they believe this proposed building would generate. Other issues are the 4 storey height of the building and its proximity to the boundary with Old Shoreham Road and the proposed outdoor performing area which residents are concerned will generate both noise and extra traffic to the college.

Increased flow of traffic

This is an application for a substantial new building and it is undoubtedly the case that it will attract more visitors to the area and may also result in an increase of the number of students attending the college. At present the college adds significantly to traffic in the area when students are dropped off or picked up during the day. Cardinal Newman is also in the vicinity and there are over 2,000 students at the school, once again creating an increase of traffic in the area at certain times of the day. There are traffic jams along the Old Shoreham Road at rush hour both morning and evening and a number of drivers use the side roads as rat runs to avoid these jams. It is of concern that this application could add to the number of cars in the area.

Parking

The application shows that the 40 parking spaces in the present lower car park will be replaced around the Sports Hall at BHASVIC thus it would seem that the problem is dealt with. However, there don't appear to be 40 spaces in the drawings of the proposed plans and there is at present no hardstanding where those spaces are meant to go. The college lost all of their parking in the upper car park when the Copper building was built a short while ago and the college were issued with parking permits for approximately 28 teaching staff to make up this difference. No other keyworkers receive such a permit so this does seem rather unusual and the permits have been much abused as they don't have to have a registration number on them. Local residents would not want any more of such permits to be allocated to the college. The matter of parking is also being taken up at the next ETS committee with a petition from local residents. It is also important that the new parking spaces are before any building work starts in the lower car park, as otherwise it would create chaos in the area.

The access for the parking is also problematic as the entry would be before the Crocodile Walk pedestrian crossing rather than after it, as is presently the case,

and there are a considerable number of pedestrians and cars in this area. I believe that officers are working on the issue of access and I hope it can be resolved successfully.

The 4 storey building

The proposed building is very substantial and it will dominate this section of the road, creating a tunnelling effect as you approach the junction of Old Shoreham Road and Dyke Road. It would be far less oppressive if this building were to be moved back from the road so it didn't sit so close to it.

The outside performing space

This has been sited between the new building and the existing buildings thus creating a fairly narrow space for outside performances. Residents are concerned that this will act as a tunnel for sound to be carried, especially as it is likely that musical performances will be held here. What proposals has the school put forward for the type of events to be held here and will this space be rented out to others to put on events? How exactly would this space be used and is it really necessary? Presently there is a beautiful outside area by the new Copper building which could be used for outside performances, thus ensuring that the proposed new building could be sited back from the road and residents would not be bothered by any extra noise, especially in the evenings.

After having watched builders painstakingly clad the two temporary classrooms in the present lower car park this summer, which must have been a very expensive job, I am somewhat surprised that these two classrooms would be demolished to make way for the new building.

I understand that this application will go before a committee and I wish to state here that I would like to speak at the committee about this application.

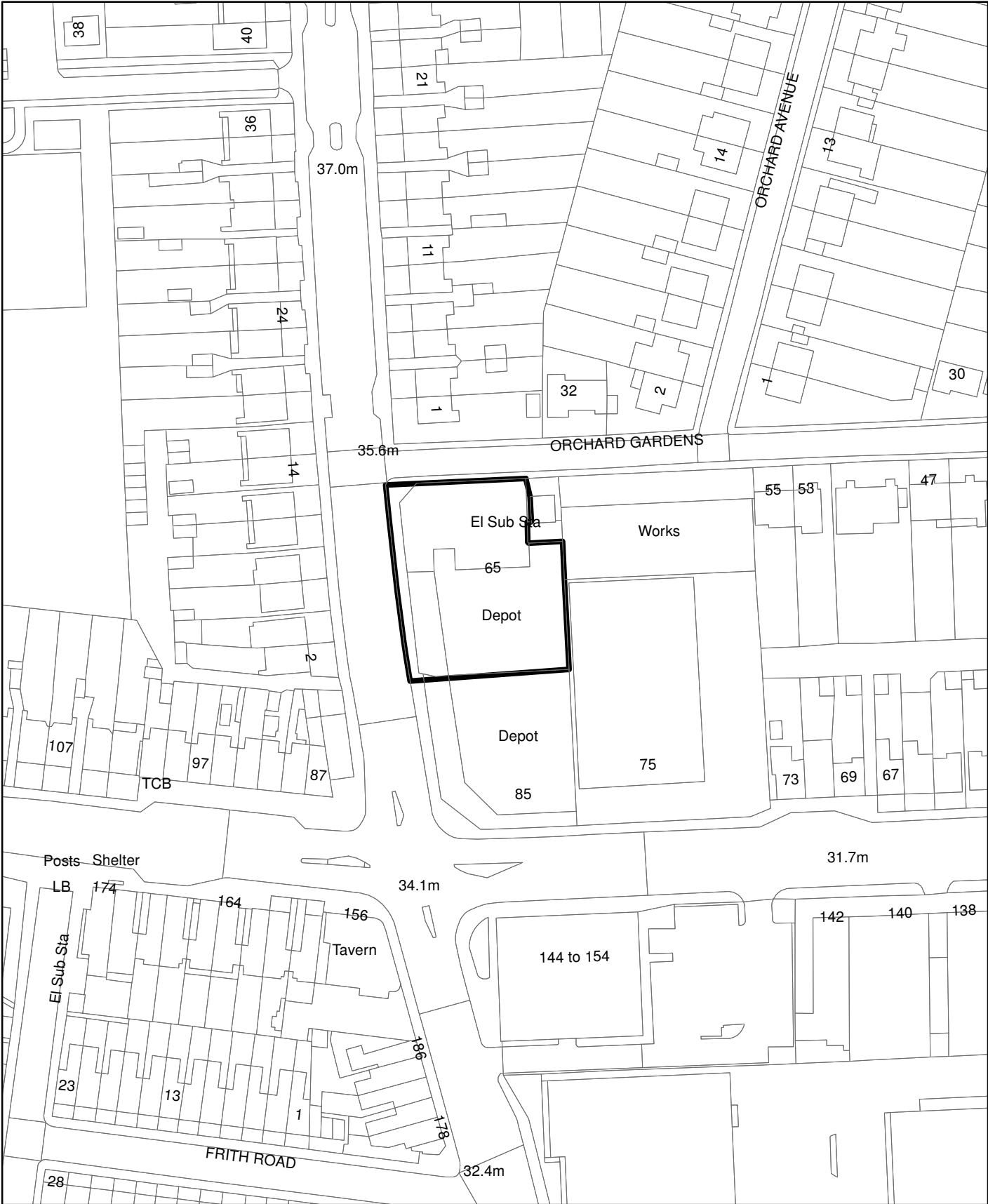
ITEM B

65 Orchard Gardens, Hove

BH2016/05312
Full planning

DATE OF COMMITTEE: 6th June 2018

BH2016-05312 65 Orchard Gardens Hove



Scale: 1:1,250

<u>No:</u>	BH2016/05312	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Orchard Gardens Hove BN3 7BH		
<u>Proposal:</u>	Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	02.02.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.05.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Burgess 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Messrs J & P Chambers 65 Orchard Gardens Hove BN3 7BH		

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 **REFUSE planning permission** for the following reasons:

In the absence of a completed s106 Legal Agreement the proposed development:

- Fails to provide an appropriate affordable housing provision;
- Fails to address the additional impacts upon sustainable transport infrastructure which the proposed development would cause;
- Fails to address the additional impacts upon educational provision which the proposed development would cause;
- Fails to address the additional demand for open space which the proposed development would cause;
- Fails to contribute to the Council's Local Employment Scheme; and
- Fails to provide an appropriate Artistic Component.

- 1.2 The proposed development is therefore contrary to Policies SA6, CP2, CP5, CP7, CP9, CP13, CP16, CP18 and CP20 of the Brighton and Hove Local Plan.

2. CONSIDERATIONS & ASSESSMENT

- 2.1 This application sought consent for the demolition of the existing buildings and erection of a 5 storey building with basement comprising a mixed use development of officers and 23 one, two and three bedroom flats.

2.2 Members voted to approve the application at the committee meeting of the 21st of June 2017 (see Committee Report set out in Appendix 1 below) subject to the completion of a s106 Legal Agreement to secure the following:

- 40% affordable housing (55% affordable rent (5 units) and 45% shared ownership (4 units)), comprising 5x 1-bedroom and 4x 2-bedroom units),
- A total contribution of £38,429 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision,
- A contribution of £7,500 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A Residential and Employee Travel Plan, to include Residential and Employee Travel Packs, to be provided for all first occupiers of the residential development, and all employees of the office use,
- A contribution of £63,604 towards open space and indoor sport provision.
- Provision of an Artistic Component / public realm improvements to the value of £18,600.

2.2 Since the committee meeting the Local Planning Authority has sought to progress the Legal Agreement forward to completion. Unfortunately in this case the Applicant has not been able to complete the Legal Agreement. There have been extended periods of inactivity, and no clear reasons for the lengthy delays incurred have been provided.

2.3 The Local Planning Authority cannot keep the application under consideration indefinitely and therefore the application is returned to committee.

2.4 In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, and open space provision, and an appropriate artistic component, the proposed development does not comply with Local Planning Policies and would not mitigate from the impact resulting from the development. Refusal is therefore recommended.

Appendix 1- Report to Planning Committee Meeting of the 21st June 2017

<u>No:</u>	BH2016/05312	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Orchard Gardens Hove BN3 7BH		
<u>Proposal:</u>	Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	02.02.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.05.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Burgess 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Messrs J & P Chambers 65 Orchard Gardens Hove BN3 7BH		

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 legal agreement and the following Conditions and Informatives:

S106 Heads of Terms

- 40% affordable housing (55% affordable rent (5 units) and 45% shared ownership (4 units)), comprising 5x 1-bedroom and 4x 2-bedroom units),
- A total contribution of £38,429 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision,
- A contribution of £7,500 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.

- A Residential and Employee Travel Plan, to include Residential and Employee Travel Packs, to be provided for all first occupiers of the residential development, and all employees of the office use,
- A contribution of £63,604 towards open space and indoor sport provision.
- Provision of an Artistic Component / public realm improvements to the value of £18,600.

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	EX01	A	25/11/2016
PROPOSED LOCATION AND BLOCK PLAN, AND CONTEXTUAL ELEVATIONS	PL20	F	25/11/2016
PROPOSED GROUND FLOOR PLAN	PL21	F	25/11/2016
PROPOSED FIRST FLOOR PLAN	PL22	F	25/11/2016
PROPOSED SECOND FLOOR PLAN	PL23	F	25/11/2016
PROPOSED THIRD FLOOR PLAN	PL24	F	25/11/2016
PROPOSED FOURTH FLOOR PLAN	PL25	F	25/11/2016
PROPOSED ROOF PLAN	PL26	F	25/11/2016
PROPOSED EAST AND SOUTH ELEVATIONS	PL28	F	25/11/2016
PROPOSED WEST AND NORTH ELEVATIONS	PL27	F	25/11/2016
PROPOSED SECTION A-A AND B-B	PL29	F	25/11/2016

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

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

3. 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 & Hove Local Plan.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) Samples of all external wall finishes including brick, render and cladding (including details of the colour of render/paintwork to be used);
 - b) Full details of all hard surfacing materials;
 - c) Full details of the proposed window, door and balcony treatments;
 - d) Full details of the proposed vehicle access shutter.

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

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

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of all hard surfacing;
 - b) Details of all boundary treatments;
 - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

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

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

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

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to

and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
12. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the date of first occupation of the non-residential development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton and Hove City Plan Part One.
13. Prior to first occupation of the development hereby approved, full details of the photovoltaic array hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall be installed in accordance with the approved details prior to first occupation of the development hereby approved.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
14. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
15. The development hereby permitted shall not be first occupied until full details of disabled car parking provision for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. The development hereby permitted shall not be commenced until details of electric vehicle charging points within the car parking area hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for

use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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

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

18. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

19. 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 & Hove Local Plan.

20. No development shall take place above ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.

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

21. The glazing to the West façade of the building hereby approved shall reduce noise levels by at least Rtraffic 33dB, the ventilation installed on the West façade of the property must reduce noise levels by at least Dn,e,w 36dB, the glazing to the North façade of the property must reduce noise levels by at least Rtraffic 26dB, the ventilation installed on the North façade of the property must reduce noise levels by at least Dn,e,w 30dB.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
22. 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 the commercial and residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
23. Deliveries and waste collections associated with the commercial use hereby permitted shall only occur between the hours of 8am and 6pm on Mondays to Saturdays and 10am and 4pm on Sundays, Bank and/or Public Holidays.
Reason: To safeguard the amenities of future and neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- 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 & Hove Local Plan.
25. The development hereby permitted shall not be occupied or brought into use there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of part (b) of condition 24 above that any remediation scheme required and approved under the

provisions of part (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part (b) of condition 24 above.

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 & Hove Local Plan.

26. 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 and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. 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.
27. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a plan showing construction traffic routes which should be from the north of the site, in order to avoid the Air Quality Management Area to the south of the site. The development shall be carried out in accordance with the approved CEMP.
Reason: To ensure that construction traffic associated with the development does not travel through the Air Quality Management Area to the south of the site, and to accord with policy SU9 of the Brighton and Hove Local Plan.
28. Unless otherwise agreed in writing by the Local Planning Authority, the central heating and hot water systems of the development hereby approved shall be electric or shall be ultra-low NO_x gas boilers with emission of < 16 mg/kwh. Details of the proposed central heating and hot water systems shall be submitted to and approved in writing by the Local Planning Authority prior to installation, unless an alternative is agreed in writing by the Local Planning Authority.
Reason: To mitigate the impact of the development on air quality and to comply with policy SU9 of the Brighton & Hove Local Plan.
29. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the

proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

30. The development hereby permitted shall not be commenced (other than demolition works) 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 Surface Water Drainage Strategy received 02/02/2017 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

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

31. 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: 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. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 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. 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. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now

deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

5. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is situated on the southern corner of the junction of Orchard Gardens with Nevill Road (A2023). The site currently comprises single storey industrial buildings (Portslade Panelworks) and an enclosed yard to the northern part of the site. To the south and east of the site it is bordered by neighbouring commercial buildings comprising industrial uses (C. Dugard Machine Tools Ltd.) and a tyre and exhaust centre (Kwik Fit). Vehicular access is from the northern side of the site off Orchard Gardens. The land between the existing building and the Nevill Road pavement is within the demise of the tyre and exhaust centre and is used to park vehicles. There is an electricity substation housed in a brick faced building alongside the eastern boundary of the application site facing on to Orchard Gardens.
- 2.2 Planning permission is sought for the clearance of the site, demolition of the existing buildings, and the erection of a 4/5 storey building comprising ground floor office space (B1(a)), ground floor double height car parking area, and the provision of 23 self-contained flats to the upper floors. Nine affordable units are proposed; five as affordable rent and four as shared ownership. 23 car parking spaces are proposed, three of which are suitable for disabled access. A landscaped communal garden area is proposed to the eastern side of the site atop the flat roof of the ground floor car park.

3. RELEVANT HISTORY

- 3.1 **BH2014/03966:** *Demolition of existing buildings and erection of a part three, four and five storey building comprising a mixed use development of offices (B1) on the ground and mezzanine floors, 21no one, two and three bedroom flats (including 6 affordable flats) (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, photovoltaic solar panels and associated landscaping. Application withdrawn 20/03/2015.*
- 3.2 Pre-application advice
Following the withdrawal of **BH2014/03966** pre-application advice was provided by officers.

4. REPRESENTATIONS

4.1 **46** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

4.2 **Traffic / Highways / Parking**

- The proposed parking is insufficient for offices and 23 flats. On-street parking is already in high demand, staff from the Legal and General office, and from C Dugard, park on the streets around the site during the day. During office hours there are no spaces available for visitors and driveways are frequently blocked. The proposed development will make a bad situation worse, adding further stress and conflict to the residential streets.
- The proposed office use may employ up to 27 people but only one parking space is proposed; a disabled space. There are no spaces proposed for visitors. The proposed development will increase demand for on-street parking and no survey has been carried out to justify whether this increased demand can be accommodated.
- As part of any development Orchard Gardens should be granted a controlled parking area based on the increased traffic flow and parking issues brought about by this development.
- The proposal will cause increased traffic, congestion and pollution, and increased dangers for pedestrians. Morning traffic is already gridlocked and manic.
- Future residents may choose to park on the street rather than using the stacked parking spaces proposed.

4.3 **Neighbouring amenity**

- The proposed development, and in particular the top storey, would result in increased overlooking of neighbouring dwellings and gardens.
- The proposed building would be of an overbearing mass / height.
- The proposed development would result in increased noise and disturbance.

4.4 **Design**

- The proposed building is too tall, its bulk and size will be out of keeping with the prevailing character of the area.
- The submitted visuals are misleading and do not show the development in the context of the two storey dwellings on Nevill Road.
- A two storey development would be more acceptable.
- The proposal is an overdevelopment. If the offices were not proposed the building could be of a lower height.
- The proposed building is of poor design.
- The application site is not a landmark intersection which might justify a building of this height. The application submission does not justify the proposed height, mass and bulk.
- The approval of this scheme would set a precedent for the redevelopment of neighbouring sites to a similar scale / height.
- The proposed building is not substantially set back from the street as other buildings in the area are.
- It is not clear whether tree planting is proposed or not.

4.5 **Standard of accommodation**

- The proposal contains a disproportionate amount of single aspect dwellings, some of which are north facing. The flats may not receive adequate daylight.
- Some units will require non-openable windows and there is no indication of a ventilation system to draw in fresh air.
- An air pollution study has not been carried out.
- The proposed balconies would suffer noise disturbance and would not be usable.

4.6 **Construction works**

- The proposed development would cause disruption during its construction.

4.7 **Other matters**

- Imbalance of population density / the proposal is of a very high residential density out of keeping with the locality.
- Insufficient work has been carried out to investigate potential land contamination.
- The employment use of the site will be lost and may set a precedent for the loss of the employment uses on the adjacent sites.

4.8 **Councillor Vanessa Brown** objects to the proposal (comments attached).

5. **CONSULTATIONS**

External

5.1 **Brighton Archaeological Society:** The proposed development lies close to the location of a possible Roman site, indicated by finds of pottery and roofing tile. Hove Park has also had finds of Neolithic flintwork. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations prior to any approval of this planning application.

5.2 **County Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is likely that the site has been significantly impacted by 20th century development. For this reason, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.3 **Sussex Police:** In general terms I support the proposals in this application which will seek to create 2 commercial units on the ground floor, with residential apartments on the floors above. Provision for car parking has been made in the undercroft area with access controlled for both pedestrians and vehicles. The proposals also allow for secure storage of bicycles and bins. Access to the upper floor residential apartments should be controlled by communal entrance doors with appropriate access control and no trades buttons.

- 5.4 The Design and Access Statement failed to make any reference to crime prevention or community safety in the proposals for this development and I would encourage the applicant to consider adopting all appropriate crime prevention measures using the principles of Secured by Design and the attributes of safe, sustainable places.
- 5.5 **Southern Water:** Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.6 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) Adequate soakaway or infiltration system
 - b) Water course
 - c) Where neither of the above is practicable sewer
- 5.7 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.
- 5.8 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.9 Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site to be made by the applicant or developer.
- 5.10 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: "Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."
- 5.11 The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 5.12 Conditions and informatives are recommended.
- 5.13 **Environment Agency:**

We have reviewed the Preliminary Ground Contamination Risk Assessment Report (Report Number: H18920/ds June 2016). A number of potential sources of contamination have been identified from the sites current use as a vehicle repair workshop, paint spraying workshop and vehicle washing facility.

- 5.14 The bedrock present beneath the site is the Lambeth Group, this is designated as a secondary aquifer but these deposits are likely to be relatively thin at this site and may be removed in the excavation of the basement. These are underlain by the Tarrant Chalk, which is designated a Principal Aquifer. The site lies within the Source Protection Zone 1 for the Goldstone groundwater abstraction which is approximately 500 north of the site.
- 5.15 **Development on land affected by contamination**
The previous use of the proposed development site as a vehicle repair workshop, paint spraying workshop and vehicle washing facility presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1.
- 5.16 The Preliminary Ground Contamination Risk Assessment Report (June 2016) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.
- 5.17 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a site investigation and remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework. Piling Using penetrative methods, such as piling, can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.
- 5.18 Overall, no objections to the proposed development, subject to the inclusion of the following recommended conditions relating potential land contamination and piling.
- 5.19 **East Sussex Fire Service:** No comments received.

Internal

- 5.20 **Planning Policy:**
City Plan Policy CP3.5 Employment Land relates to the protection of unallocated employment sites in the city. The purpose of the policy is to protect those sites for B1, B2 and B8 uses unless they can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). The policy does not restrict changes between the B use class. The concern will be to ensure that this mixed use redevelopment proposal represents an effective use of the site,

with uses that are compatible with adjacent uses and the re-provision of an appropriate amount, layout and design of B1a (office) floorspace that will be attractive to the market and lead to the units successful take up.

- 5.21 The proposed employment floorspace is less than the previous, withdrawn scheme and this is to be regretted. However the applicant indicates that the revised scheme addresses site constraints and provides improved access, public realm and neighbouring amenity. It is unclear whether this revision in amount of employment floorspace is also as a result of addressing concerns with the previous scheme raised by the local planning authority and this should be carefully considered by the case officer. It is acknowledged that the office units have the potential to generate a higher job density on the site than that currently. Economic Development should be consulted on this application.
- 5.22 It is important to ensure the configuration and layout of the two office units meets the needs of small growing businesses looking for business space and in particular that there is sufficient flexibility to ensure that the units will attract a range of potential end users in this location. It would be helpful to understand the how the particular demand for office space in this location has informed the configuration and layout of office units, the types of businesses that space seeks to attract and an indication of the marketing strategy that will be employed to ensure the successful take of the office units.
- 5.23 The applicant is proposing 9 x 1 bed intermediate housing. With respect to the unit size of affordable housing element of the proposal Policy CP20 indicates the preferred mix of unit size across the city – is 30 % 1 bedroom, 45% 2 bedroom and 25% 3 bedroom units and it is regretted that all of the units are 1 bedroom units. The Housing Strategy Team should be consulted on this application.
- 5.24 The applicant has indicates that the all the flats will meet the higher optional access standards set out in Building Regulations Part M(4) Category 2 but it is unclear from the design and access statement and Planning Statement if one of the units meets the higher Part M(4) Category 3 fully wheelchair accessible standard. This should be clarified by the applicant.
- 5.25 Policy CP16 sets out the open space requirements for new development. It is not clear how this has been addressed by the applicant.
- 5.26 **Air Quality Officer:** The development site is close to the boundary of the Air Quality Management Area declared in 2013. Nitrogen Dioxide above legal limits has been monitored within a few metres of the Old Shoreham Road – Sackville Road Junction.
- 5.27 The area that exceeds the annual mean air quality standard for nitrogen dioxide (human health) is likely to include the neighbouring plot to this development. That said we are satisfied that beyond all reasonable doubt the development premises is compliant with the national Air Quality Strategy. Future residents will live in good air quality. Approve of front gardens, tree

planting and the building façade set back from Nevill Road. Agree with non-residential land use on the ground floor closest to the nearest road carriageway (that has localised emissions due to the stop-start nature of the traffic).

- 5.28 The transport assessment indicates a net reduction of traffic movement. The proposal is predicted to be a benefit in comparison with the extant planning use. Therefore the emission cost calculator is not required.
- 5.29 Construction Environment Management Plan routing condition is set out below. We recommend that before surfacing the new car park wiring is in place for electromotive charging. Early 2017 electric cars represent 4% of new car sales with market share predicted to increase substantially. Users of electric and hybrid vehicles increasingly seek to charge their vehicles at their place of work or home. As this site is on the boundary of the Air Quality Management Area it is an ideal location for electromotive infrastructure.
- 5.30 It is recommended central heating and hot water systems are electric. The 2014 planning application for this site includes an array of photovoltaics. This would be one way of avoiding on-site combustion with emissions to air across the AQMA. If any combustion on site is required this should be ultralow NOx gas boilers with emission of < 16 mg/kwh.
- 5.31 **Environmental Health:**
A Noise Assessment report for 65 Orchard Gardens, Hove has been undertaken by Acoustic Associates Sussex Ltd (ref: J1537), dated the 22nd.
- 5.32 Ambient noise levels, which are dominated by traffic noise, were assessed. Additionally, industrial noise from the adjacent Kwik fit were also assessed under BS4142:2014.
- 5.33 **Ambient Noise (Traffic)**
This assessment was undertaken through unattended noise monitoring on the roof of the Panel works with a clear view of Old Shoreham Road between the 11th and 17th November 2011. I would note that a further attended measurement taken on the 10th June 2016 in order to verify that the data from 2011 was still relevant.
- 5.34 The Free-field noise readings were on average: 63dB(A) during the day and 56dB(A) during the night. The results were then fed into a noise modelling software package IMMI, which shows that for varying reasons different flats will experience different external noise level, with noise levels at the front of the build ranging from 60dB(A) to 67dB(A) during the day.
- 5.35 The proposed windows at the front façade look to attenuate noise levels by 33dB(A) and therefore, internal noise levels will be 27dB(A) to 34dB(A) during the day. If windows are open, then there is 15dB attenuation due to the façade, which means that internal levels would be 45dB(A) to 52dB(A). Therefore, in order to achieve internal noise levels according to BS8233:2014,

the windows will need to be kept shut and alternative ventilation incorporated into the building.

- 5.36 The report has suggested that trickle vents can be fitted provided they achieve a $D_{n,e,w}$ 36.
- 5.37 It is noted that noise level on balconies with a view of the road will be higher than the WHO criteria. However, it is agreed occupants of the building will have numerous quiet outdoor amenity areas within a short walk of the development (beach, Hove Park etc.) and that the alternative would be to not provide balconies.
- 5.38 **Industrial Noise**
The assessment under BS4142:2014 concluded that the dwellings in the proposed development will likely be exposed to an industrial noise rating level of 48dB(A) or below, with the occasional L_{Amax} reaching up to 65dB(A). According to BS4142:2014, the noise is therefore likely to have a low impact.
- 5.39 It is noted that the ambient noise levels are mostly due to traffic and are measured to show an L_{Aeq} of 60/67dB(A). Therefore, the dominant noise affecting the most exposed flats to industrial noise will actually be traffic noise. Whilst traffic noise will be slightly quieter when Kwik fit begin to operate in the morning at 8.00/8.30am, according to the raw data, traffic noise will still likely be higher than the rating level.
- 5.40 I would note that I did visit the site, and spoke to one of the Kwik fit workers while there. While they agreed in principle that air tools probably only made up a small percentage of their work, they stated that this was really dependant on the work they had in. On certain days air tools may be used for the majority of their work. Having reviewed the data, I don't believe this will significant change the findings.
- 5.41 The condition recommended below will expect noise levels internally to comply with BS8233:2014 and this will require both glazing and ventilation to be fitted in the most affected facades.
- 5.42 Therefore the flats on the front façade, which may be most affected by the industrial noise, will be protected by suitable glazing and ventilation, and provided windows are kept closed, acceptable internal noise levels should be achieved. However, there is still the possibility that future residents will leave their windows open, particularly in the summer months. Therefore the commercial operations at Kwik fit could occasionally be audible inside the future bedrooms in the mornings and in particular in the bedrooms of flats looking out the front facade.
- 5.43 This means that complaints could be made to the local authority and these will have to be investigated under Statutory Noise Nuisance Legislation. If complaints are found to be justified and it is judged that a Statutory Nuisance exists due to noise from Kwik Fit, then a Noise Abatement Notice would have to be served on the person responsible, which will be the business. Kwik Fit

would have to prevent noise from causing a Statutory noise nuisance in adjacent premises.

- 5.44 In this particular instance, since the windows that are most likely to be exposed to industrial noise are also very exposed to traffic noise which is directly beneath them, it is unlikely that the average person will have these windows open early in the morning. There is also an element of buyer beware: it is obvious that these flats are situated very close to a busy road junction and next to a Kwik fit. Therefore, commercial noise from Kwik Fit should not be unexpected and this would be considered when assessing any complaints under Statutory Noise Nuisance legislation. Additionally, Kwik fit's operating hours are not currently exceptionally early for a commercial location (they open at 8.30am).
- 5.45 Unfortunately, the design and location of the proposed building cannot easily design out all of the industrial noise so that its rating level is 5dB below background noise level at the worst affected flats. It is however noted that the façade immediately adjacent to Kwik Fit is sensibly designed to be mostly a brick wall with very few openings in it, and the windows to the bedrooms face out to the road.
- 5.46 It is also noted that one measure Kwik Fit could take without any costs if they received complaints about noise in the morning, is to keep the door closest to the flats closed until later in the day. This may not completely resolve any future noise complaints, but it should help and may reduce noise levels to a point whereby it does not cause a Statutory Noise Nuisance.
- 5.47 Therefore, taking the noise issues and potential resolutions into consideration, overall this plan can be recommended for approval with the noise conditions below. It should be noted that in addition to the comments above there are also conditions recommended to ensure that commercial noise from the premises planned beneath the flats do not affect future residents.
- 5.48 It is noted that lifts and stairwells have been places away from habitable rooms, managing noise levels from these sources by design.
- 5.49 **Air Quality**
Sam Rouse, the air quality specialist will comment on this. Comments about air quality may have an impact on the design required for the future ventilation of the building.
- 5.50 **Contaminated Land**
This was a Phase 1 Environmental Assessment undertaken by Gyroury Self Consulting Engineers (ref H18920/ds), dated June 2016. This report has been subsequently scrutinised to ensure that it is robust. The report identifies several source-pathway-receptor linkages, and therefore suggests that further intrusive works are necessary. It is important to note though that the current conclusion are based on the current plans, and that should soft landscaping be proposed in the future that other potential linkages will likely need to be considered.

- 5.51 **Recommendation:** Approve with conditions
- 5.52 **Housing Strategy:**
This application is for 23 properties including 40% affordable which equates to 9 properties. To meet the Affordable Housing Brief the provision should provide the 9 units as 55% Affordable Rent (5 units) and 45% shared ownership (4 units). The affordable housing is offered as 9 x 1 bed units which would not be acceptable – details of a preferred unit split is outlined below.
- 5.53 **Tenure**
The Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (e.g. Shared Ownership sale) as a citywide objective. At this scheme this equates to 5 units for affordable rent and 4 properties for shared ownership sale.
- 5.54 **Design**
Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will need to meet Secure by Design principles as agreed by Police Architectural Liaison Officer.
- 5.55 The council requires 5% of all housing in new developments to meet wheelchair standards and 10% of affordable housing. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M4 (3)2b at build completion (i.e. at time of letting/ sale).
- 5.56 Which flat would be wheelchair accessible at completion is not identified in the application.
- 5.57 **Affordable Unit Sizes**
To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards.
- 5.58 In this instance the unit sizes all exceed the minimum space standards, so space standards will be met whichever units are allocated as affordable.
- 5.59 NB: Wheelchair units have specific space standards relating to living space that should also be met but these units are not identified on the plans.
- 5.60 **Unit size/type**
Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the AHB scheme mix is based on this. To be AHB compliant this would require the following mix:

3x (30%) one bed units, 4x (45%) two bed units, 2x (25%) three + bed units

- 5.61 The unit mix offered is currently 9 x 1 beds only. In addition the one bedroom units are spread across all floors of the development which may make transfer to an RP owner difficult (although not impossible).
- 5.62 Inspection of the plans shows that division to create a separate core for the affordable housing can be achieved by dividing the building just north of the southern lift shaft.
This creates a core including the following unit mix/ % of affordable: 5x 1 beds (56%), 3x 2 beds (33%), 1x 3 beds (11%)
- 5.63 This mix does not meet the AHB requirements but would be an acceptable compromise.
- 5.64 Family housing and wheelchair housing for affordable rent are particularly welcomed.
- Housing welcomes the inclusion of the policy compliant number of units as 9 (40%).
 - Confirmation of the tenure mix is required
- 5.65 However the scheme can only be fully supported by Housing if :
- Unit type mix is adjusted to more fully reflect the Brief
 - Wheelchair housing requirements comply with the Brief.
- 5.66 **Updated comment following revisions to proposed affordable housing provision:** Awaiting comments.
- 5.67 **Economic Development:**
City Regeneration support this application as the proposed development will create much needed housing (in the form of 23 dwellings) and office space which will create indicated 27 employment opportunities, which is in line with the OffPAT Employment Density Guidance. The planned relocation of the business operation will hopefully provide continuous employment for existing staff with the potential for additional opportunities should the location and size of new premises support this. Should this application be approved, through a S106 Agreement, City Regeneration request the submission of an Employment and Training Strategy in respect of the demolition and construction phases, one month before the site goes live, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition phase (where appropriate, due to the specific skills required) and construction phase.
- 5.68 Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution, through a S106 agreement, towards the sustainability of the council's Local Employment Scheme and to fund training that may be required, specific to the site, in order for local residents to access opportunities on site and meet contractors' and

sub-contractors' needs. The required contribution in respect of the proposed residential development is calculated as £7500.

- 5.69 Commercial development (B1)- Gross new office space (BI) 324 sq mtrs which is under the threshold to enabling a request for developer contributions. Therefore, total developer contributions requested for whole development £7500
- 5.70 **Recommendation:** Approve
- 5.71 Subject to an Employment and Training Strategy being submitted one month prior to site commencement (including demolition) and a developer contribution for the sum of £7500 made prior to commencement of the construction phase.
- 5.72 **Sustainability:**
The residential scheme proposes 23 new dwellings. Policy CP8 sets mandatory minimum standards for energy and water efficiency for these units which these units must meet as a minimum. This standard is committed to and should be conditioned.
- 5.73 The non-residential scheme proposes office accommodation on the ground floor which will include two commercial units of 119msq and 205msq floor space (324m2 total). This falls within the 'medium' scale category and under CP8 is expected to achieve BREEAM 'very good'. (The medium scale category ranges from 236 – 1000sqm). BREEAM 'excellent' is committed to but because the standard set in policy in 'very good' this standard should be conditioned as a minimum.
- 5.74 Policy CP8 sets out issues relating to sustainability that should be addressed by applications. These include: addresses climate change mitigation and adaptation; minimisation of greenhouse gas emissions; use of renewable technologies; decentralised energy; water neutrality; improvements to existing buildings; health; use of design, orientation, form, layout, landscaping and materials (passive design) to maximise natural light and heat; reduces 'heat island effect' and surface water run-off; sustainable materials; enhance biodiversity; minimises waste and facilitates recycling, composting; reduces air, land and water pollution; ongoing improvement of building performance; encourages users to reduce their ecological footprint; is adaptable to changing needs; and encourages food growing.
- 5.75 A Sustainability Checklist submitted by the agent for this development has some erroneous and contradictory entries around energy. Entries state a SAP rating of 124 (SAP is a rating of energy efficiency in a scale that runs from 1 to 100 where 100 is zero carbon so this entry is erroneous). In addition, the data input to the checklist states that the scheme will include solar hot water panels, individual gas boilers and Gas CHP communal system, These are all heat producing technologies, and in a rational scheme, multiple different technologies would not be installed to produce heat, it would not be cost

effective or efficient. Hence it must be assumed that these entries are inaccurate.

- 5.76 Commitment is given to achieving the minimum energy and water efficiency standards as set out in Policy CP8 of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.
- 5.77 Renewable energy is proposed as part of the scheme in the form of roof mounted solar panels. Approximately 56 panels (approximately 120msq) are shown on the roof plan. These are welcomed.
- 5.78 The above measures are the only measures referred to in the application that address policy CP8. Against other areas of sustainability, the Sustainability Checklist responses indicate that no action is being taken to address policy CP8: no passive design measures; no green walls or roofs; no food growing; no measures to minimise risks associated with flooding; no open space created; no habitats created; no site wide waste management plan.
- 5.79 The Design and Access makes just one reference to sustainability in the context of an irrigation system for planters using diverted rainwater. This is not sufficient to address policy CP8.
- 5.80 It is recommended that the applicant be asked to resubmit the Sustainability Checklist with accurate information about energy and further information that clarifies how the scheme will address policy CP8.
- 5.81 The scheme is situated adjacent to Development Area DA6. The City Plan states that: under local priority 10: Development within this area will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they have capacity for future connection to a network.
- 5.82 To address this policy, a condition should be applied to ensure that if a communal heating system is installed, it should have capacity for future connection to a DA6 heat network. The proposal for a communal heating system is implied in the Sustainability Checklist by suggestion for gas CHP, but due to erroneous entries, and no clarification of energy strategy elsewhere in the application, it is not clear whether this reference is accurate or not.
- 5.83 In the event of approval, the following conditions should be applied:
- Standard condition for minimum energy and water efficiency for new dwellings
 - BREEAM 'very good' New Construction for non-residential development.
 - Condition to secure capacity to connect to a future heat network
- 5.84 **Further comments following the submission of an amended sustainability checklist:** Awaiting comments.

- 5.85 **Flood Risk Officer:**
Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below:
- 5.86 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 5.87 **Transport:**
Pedestrian Access It is proposed that the commercial units will be accessible primarily from Nevill Road and the residential from Orchard Road. The latter includes a direct stairwell access together with a 1.2m footway alongside the vehicle access.
- 5.88 The Highway Authority has no objections to these arrangements. Wider footway widths of 2m/ 1.5m are typically specified; however, given the purpose of the car park access, that this width is sufficient for a wheelchair to pass in accordance with the Department for Transport's Inclusive Mobility guidance and that the access will have low vehicle and pedestrian flows, no objections are raised in this instance.
- 5.89 The applicant should note however that there are currently telecommunications cabinets at the back of footway where the intention is to provide a pedestrian access into the site from Nevill Road. At least one of these will need to be relocated with the agreement of the Highway Authority and the operator of the telecommunications cabinet.
- 5.90 **Vehicle Access**
The applicant is intending to retain the existing vehicle crossover from Orchard Gardens to which the Highway Authority has no objections. The access road within the site is approximately 4.8m wide which would be sufficient for two cars to pass should they enter and exit the site at the same time.
- 5.91 The car park access appears to be gated; however, this is set back approximately 7m from the footway which would provide sufficient space for a vehicle to wait whilst gates open without obstructing the footway.
- 5.92 **Car Parking**
SPD14 states that the maximum car parking standard for a residential development in the outer area is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The standard for office space (B1) is one space per 50m². Therefore for this development of 23 residential units and 324m² of

office space, the maximum car parking standards comprise 23 residential spaces, 12 visitor spaces, and 7 office spaces (42 spaces in total).

5.93 The applicant is proposing a total of 23 parking spaces including 3 for disabled users. One disabled bay is allocated to the office space, while the remaining 22 spaces (including 2 disabled) will be provided to the residential units in a two-tier stacking system. It is recommended that the implementation and continued maintenance of this be secured by condition.

5.94 Given that the surrounding area can experience high levels of on-street parking stress, the applicant has tried to demonstrate that the proposed car parking levels will not lead to overspill car parking.

5.95 **Existing overspill parking**

The applicant has acknowledged the Highway Authority's comments on **BH2014/03966** where there was concern that current overspill parking had been overestimated and would therefore underplay the impact of the proposed development. The applicant's Transport Consultant has now made adjustments for expected mode share by current staff (as opposed to assuming all drive) in line with the Highway Authority's recommendations and the revised estimate of 8-10 vehicles is considered reasonable.

5.96 **Proposed office overspill parking**

The Highway Authority previously raised a concern in comments on **BH2014/03966** that the forecast overspill parking for the proposed office use was based on central London surveys within the TRICS database. These were not considered suitable owing to on-street parking controls and very good accessibility by sustainable modes.

5.97 The applicant has stated that although the site is outside of a Controlled Parking Zone, parking restraint would be appropriate as the site is within a sustainable location. The Highway Authority would however consider that the absence of on-street parking controls would increase the likelihood that employees will drive to work.

5.98 The applicant has estimated future parking demand based on drive-to-work rates from comparable sites at City Park and BHCC Housing Centre provided in the Highway Authority's comments on **BH2014/03966**. The proposed office space has also reduced from 621m² (34 staff) to 324m² (18 staff). As a result, additional overspill parking by approximately 10 vehicles is forecast. However, the application form and Planning Statement indicate that the site would accommodate on average 27 employees. This would suggest approximately 15 staff would be expected to drive.

5.99 The applicant's Transport Consultant has also used TRICS surveys to suggest that parking demand would be lower at approximately six vehicles based on an average peak parking accumulation of 1.89 per 100m². It should be noted however that although all the selected sites have on-site parking, two are located in Controlled Parking Zones and TRICS indicates that the

third (survey reference WK02A01) does not have access to free on-street parking.

5.100 Although the above analysis may therefore underestimate parking demand, the previous analysis based on 27 employees does suggest all employees will be on-site at any one time which would overestimate demand. Were the higher level to materialise, additional daytime demand of approximately five vehicles would be expected compared to ten for the withdrawn application.

5.101 In order to mitigate the impact of overspill parking that does occur from the permitted use, the Highway Authority had previously recommended that travel packs be provided for both the office and residential uses. The updated Transport Statement includes a Travel Plan Statement which commits to this, including the provision of taster public transport vouchers. It is recommended that these be secured as part of the S106 agreement.

5.102 On this basis, it is no longer considered that the additional on-street parking demand that is likely to arise during the day would be of a level that could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

5.103 Proposed residential overspill parking

The applicant previously proposed 21 car parking spaces for 21 flats and now proposes 22 spaces for 23 flats. The ratio is therefore similar and the Highway Authority's comments remain consistent with the response to BH2014/03966. This is that analysis of 2011 Census data (Brighton & Hove lower super output area 007A) suggests demand of approximately 1.36 per household or a total of 31 in this instance. This would suggest overspill parking by approximately nine vehicles could be expected compared to seven previously.

5.104 The applicant's Transport Consultant has used the Department for Communities and Local Government (2007) Residential Car Parking Research to estimate that parking demand would not exceed 19 spaces. Whilst the census data indicates a higher level, the latter provides an area average which would be expected to be lower for flats. It is also noted that the applicant does not propose to allocate spaces to individual dwellings which will allow for a more efficient use of the parking proposed and reduce the likelihood of overspill parking.

5.105 Taking into account this analysis and the package of mitigation proposed by the applicant to include a residential travel pack and car club membership, the Highway Authority does not consider the potential overspill parking from the residential development to be material or warrant refusal in this instance. As stated above, it is recommended that the travel plan measures the applicant has committed to be secured as part of the S106 agreement.

5.106 Disabled Parking

SPD14 states that the minimum standard for disabled parking is an individual bay for each disabled employee plus 2 bays for the office and one space per wheelchair accessible unit for the residential use.

5.107 The applicant is proposing 3 disabled parking spaces (2 for the residential and 1 for the office development). This level of provision for the office development is below the minimum standard contained within SPD14; however, it accords with advice contained within the Department for Transport produced TAL 5/95 Parking for Disabled People. This guidance document suggests 5% of the total car parking should be set aside as disabled bays at business premises. In light of this, the Highway Authority has no objections to the proposed number of disabled bays for the office.

5.108 It is also important that a 1.2m clear zone is provided to both sides of each bay as outlined in TAL 5/95. The disabled car parking layout details should be provided by condition. In the case of the proposed stacking system, it would be important to ensure sufficient level clearance at the point that vehicles are accessed.

5.109 **Electric Vehicles**

Since the applicant's original submission, SPD14 has been adopted which includes a requirement for electric vehicle charging points. For residential uses, this requires 10% provision plus 10% 'passive' provision whereby the facilities are in place for additional points to be provided as future demand requires. The proposed development would therefore require a minimum of 3 charging points plus 3 passive charging points. It is recommended that further details be obtained by condition.

5.110 **Cycle Parking**

SPD14 states that a minimum of 1 cycle space is required for every 1-2 bedroom unit plus 1 space per 3 dwellings for visitors. For the 3 bedroom units, 2 spaces are required per unit for residents with an additional one space per 3 units for visitors.

5.111 The minimum standard for B1 office space is 1 space plus 1 space per 100m² plus an additional space per 500m². Therefore, for this development minimum cycle parking requirements are as follows:

- 20 cycle spaces for 1-2 bedroom units
- 6 cycle spaces for 3 bedroom units
- 8 visitor spaces for those visiting residents
- 5 staff cycle spaces
- 2 visitor cycle spaces for the office units

5.112 The minimum cycle parking requirement for this development is therefore 41 cycle spaces. The proposals detail 42 cycle spaces as follows:

- 24 resident
- 6 office
- 12 visitor

- 5.113 The cycle parking provision meets minimum cycle parking standards; however, the Highway Authority would seek further clarity as to the nature of the stands.
- 5.114 The applicant should be advised that in order to be in line with Policy TR14 of the Brighton & Hove Local Plan, 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 Manual for Streets section 8.2.22. Vertical or semi-vertical racks are not accepted.
- 5.115 **Deliveries and Servicing**
There is forecast to be a reduction in the level of servicing associated with the proposed development when compared with the existing land use of a vehicle repair garage. Servicing could either take place from within the on-site car parking area of on-street adjacent to the site.
- 5.116 **Trip Generation**
The applicant has forecast that there will be an increase in total person trips as a result of this development, forecasting an increase from 179 to 219 trips. The reduction in forecast trips for the proposed development compared to the withdrawn application is not unexpected given the reduction in size of the office element; however, the justification for the increase in existing trips (and reduced net impact) is unclear. In the absence of daily surveys for the existing site (peak vehicle surveys are provided), the previously submitted figure of 146 person trips has been used for the purposes of assessment. This would suggest an increase of approximately 73 person trips across the day.
- 5.117 **S106**
To comply with the Brighton & Hove City Plan Part One policies CP7 and CP9 and the council's Guidance on Developer Contributions, the applicant is expected to make a financial contribution of £11,000.
- 5.118 **Recommendation:** Recommended approval subject to the following S106 agreement and necessary conditions.
- 5.119 **Ecology:**
Designated sites and Protected Species
1. The biodiversity checklist submitted with the application was negative for all indicators, indicating that the proposed development is unlikely to have any significant impacts on biodiversity.
 2. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
 3. The site is unlikely to support any protected species and therefore no specific mitigation is required. If protected species are encountered, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

5.120 Mitigation Measures/Enhancement Opportunities

4. 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 use of species of known wildlife value within the landscape scheme, green (biodiverse) roofs and/or walls, and the provision of bird boxes which should target species of known conservation concern. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used.

5.121 Summary

In summary, provided the recommended mitigation measures are implemented, the proposed development should not have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

- 5.122 **Public Art:** Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

5.123 Type of contribution-

To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.

5.124 Level of contribution-

This is arrived at after the internal gross area of the development (in this instance approximately 2,387sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

- 5.125 It is suggested that the Artistic Component element for this application is to the value of £18,600.

- 5.126 To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.

- 5.127 **Education:** Attached are two spreadsheets which show the level of contribution towards education infrastructure that would be expected if this development was to proceed and the number of pupils that are likely to be

generated by the development. In the spreadsheet which calculates the contribution I have included all the units as private housing in line with the agreement on this matter. The second spreadsheet, which calculates the number of pupils likely to be generated by the development, uses the correct split between private and affordable units. This is for information only and does not affect the outcome of the calculation for the contribution.

5.128 The calculation of the developer contribution shows that we would be seeking a contribution of £38,430.00 towards the cost of primary, secondary and sixth form provision if this development was to proceed. The primary provision would be likely to be spent at Aldrington CE Primary, Brighton and Hove Bilingual Primary, West Hove Infant and Junior Schools, St Andrews CE Primary, or Goldstone Primary School as they are the closest primary's to the development. These schools currently offer a total of 3,315 places and there are currently 3,540 pupils on roll at these schools. This offers a surplus of just 9% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. A development of residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice whatsoever.

5.129 With regard to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

5.130 **City Clean:** No comments received.

5.131 **City Parks:** No comments received.

5.132 **Sports Facilities and Development:** No comments received.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP3 Employment Land
- 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

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- SU11 Polluted land and buildings
- QD5 Design - street frontages
- QD15 Landscape design
- QD25 External lighting
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

- SPD11 Nature Conservation & Development
- SPD14 Parking Standards

Supplementary Planning Guidance:

8. CONSIDERATIONS & ASSESSMENT

8.1 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. The Inspector emphasised that this minimum requirement would meet only 44% of the objectively assessed need for new housing and that this was "a very significant shortfall which has important implications for the social dimension of sustainable development". It was also recognised in the Inspector's report that there was a "considerable need" for affordable housing in the City. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

- 8.2 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. The Agent for the application disputes this position and the methodology which the Council uses to calculate its housing targets. It is however the view of the council that his methodology is appropriate and a 5 year supply can be demonstrated.

8.3 Principle of Development

The loss of the existing employment use to be replaced with a mixed use development must be considered having regard to policy CP3 of the Brighton and Hove City Plan Part One which states that the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).

- 8.4 The application proposes the demolition of the existing buildings on the site which in conjunction with the enclosed yard form a panelworks business / vehicle repairs (Use Class B2). The proposed building incorporates employment use at ground floor as 324m² office space (Use Class B1), with a ground floor car park and residential units above. There would be a loss of 321 sq. m of employment floorspace (currently 645m sq. m B2 general industrial floorspace consisting of yard, workshops and office space). The office floorspace is proposed to be provided in the form of 2 units of 119 sq. m and 205 sq.m floorspace accessed from Orchard Gardens and Nevill Road. The application submission sets out that the current use has 12 employees and that the proposed office use has the potential to accommodate 27 employees.

- 8.5 The existing use is not redundant; the site is in active use at present, has good transport links and access. The application submission indicates that the current business is seeking to relocate.
- 8.6 Whilst the development would result in the loss of the existing employment use, the proposed building would include the provision employment floorspace in the form of two office units. The application submission indicates that this employment space could accommodate 27 employees. Therefore, whilst the employment use of the site as a whole will be diluted, the office space proposed has the potential to deliver a net uplift in jobs. On this basis, and on the basis that the existing business is to relocate, the Economic Development Team support the application.
- 8.7 Furthermore, whilst the existing use (B2) is not incompatible with the neighbouring residential uses, it is of a nature which is more likely to generate noise disturbance than the proposed office use would be.
- 8.8 The Planning Policy Officer sought confirmation that the proposed office units have been designed in a way which responds to current market demands, to ensure that the proposed office units will be viable and will be likely to be occupied. A letter of support from a local surveyor / property agent has been submitted which sets out a view that the proposed office units would be likely to be in high demand so long as they are priced at market levels.
- 8.9 In addition to the proposed office use, residential units are proposed which include 40% affordable housing provision and a mix of unit sizes. The provision of new housing units is welcomed and would make a valuable contribution towards meeting the city's housing needs and targets.
- 8.10 Overall, whilst it is acknowledged that the proposed development will dilute the existing employment use of the site, the proposal would deliver a replacement employment provision along with 23 residential units. The principle of development is considered to be acceptable.
- 8.11 **The proposed employment use**
As detailed above, the proposed building would contain two office suites at ground floor level. The units would have a street frontage presence and would be well served by the existing road network and public transport links in the form of buses (nos. 5, 5A, 5B and 56) and train via Hove Station which is a 13 minute walk away (0.6 miles). The proposed offices would only benefit from one off-street parking bay in the form of a disabled space in the proposed ground floor car park. The lack of further off-street parking could discourage some potential future occupiers, however given the location of the application site it is considered that adequate public transport links exist to address this issue. The potential impacts of overspill parking are of concern; this matter is addressed further below.
- 8.12 The letter of support from a local surveyor / property agent indicates that the proposed office units would be attractive in the current market, and overall the provision of office space is considered appropriate for the location.

8.13 The proposed residential use / standard of accommodation

The proposed building would comprise twenty three self-contained units from first floor up. The mix of units proposed is 9x 1-bedroom (39%), 11x 2-bedroom (48%) and 3x 3-bedroom (13%), which compares to the overall needs of the city as set out in Policy CP19 as 24% 1-bedroom, 34% 2-bedroom, and 42% 3-bedroom or more. The proposed mix of units in itself is not therefore reflective of the needs of the city as a whole, however as a flatted development close to the centre of the city it would be expected that the scheme would deliver a greater proportion of smaller units. A greater proportion of larger units would be expected in a more outlying development of a lesser density, such schemes considered cumulatively will work towards delivering an appropriate mix of units across the city.

8.14 Nine units are proposed as affordable dwellings with a policy compliant tenure mix (5 units for affordable rent and 4 properties for shared ownership sale).

The proposed mix of affordable units has been amended during the course of the application from 9 1-bedroom units and is now proposed as 5x 1-bedroom (55%) and 4x 2-bedroom (45%) compares with a policy compliant mix of 3x 1-bedroom, 4x 2-bedroom, 2x 3-bedroom units. The applicant has stated that no 3-bedroom units have been proposed as affordable due to viability concerns, a detailed viability case has not however been submitted.

8.15 Whilst a policy compliant mix of unit sizes has not been agreed as affordable provision, which is regrettable, it is again noted that a scheme of this ilk is to be expected to deliver more smaller size units, and furthermore that 40% affordable units and an appropriate tenure mix have been agreed through discussions with the applicant. Overall it is considered that the mix of unit sizes and the proposed affordable housing provision are acceptable in this case.

8.16 In regard to unit size and layout, it is noted that all of the units proposed exceed the minimum size standards set out by Government (Technical Housing Standards – Nationally Described Space Standard, published March 2015). The units would provide good room sizes and circulation space. Representations received raise concerns in respect of the light levels which some of the units may receive; all units are however considered acceptable in this regard as set out in the submitted sunlight and daylight report. All of the units would benefit from the use of a balcony area and a landscaped communal garden area is proposed atop the ground floor car park to the eastern side of the site.

8.17 Future residents would be subjected to noise from traffic and the neighbouring commercial uses (and potentially the proposed office use), air pollution from traffic on Nevill Road and Old Shoreham Road is also a concern. A noise report has been submitted and the Environmental Health Officer and Air Quality Officer have commented on the submitted information. It is concluded that noise nuisance could be successfully addressed through sound insulation measures and in respect of noise and air pollution it would be necessary to install a ventilation system to ensure that future residents do not need to open

windows to receive fresh air. Sound insulation measures and details of a ventilation system are recommended to be secured by condition.

- 8.18 Future occupiers would benefit from off-street parking provision (22 spaces including two disabled spaces), secure cycle parking, and access to the second floor communal garden.
- 8.19 In regard to accessibility, it is proposed that Flat 18 (one-bedroom flat on the third floor) would be wheelchair accessible which represents 10% of the affordable housing provision and 5% of the overall number of housing units proposed. The remainder of the units are recommended to be secured by condition as compliant with Optional Building Regulations Standards.
- 8.20 Subject to the recommended conditions set out above, it is considered that the proposed units would deliver an acceptable standard of accommodation.
- 8.21 It is noted that there is an electricity substation immediately to the east of the site fronting on to Orchard Gardens, enclosed in a brick building. The substation would be sited alongside the car park area of the building; the substation would be unlikely to have a substantial negative impact upon neighbouring amenity.
- 8.22 **Design / visual impact**
N.B. For the purposes of local planning policy and guidance (SPGBH15, published 2004), the proposed building does not constitute a 'tall building' as it is below 18 metres in height.
- 8.23 The proposed building is five storeys in height with the top floor set back from the main building frontages. The building is set back from the boundary with the public highway to the west and north elevations, low boundary walls and planting is proposed including tree planting. To the southern end of the west elevation the parking area associated with Kwik fit sits in front of the proposed building, a wall / landscaping buffer is proposed behind this area. To the Nevill Road frontage the building presents a glazed office frontage at ground floor and a residential façade above. To the Orchard Gardens elevation a similar appearance is presented however a double height vehicular access is proposed with a shuttered entrance.
- 8.24 The proposed brick faced finish with rendered detailing takes some inspiration from the Kwik Fit building alongside and would also be in keeping with the finishes of the dwellings on Nevill Road and Orchard Gardens. The proposed design is considered to be of a good standard with considered structure, detailing form, and relief. A building of this scale will stand in contrast to surrounding development, and in particular to the dwellings on Nevill Road and Orchard Gardens which are of domestic scale. The commercial development to the south of Orchard Gardens is however already of a contrasting commercial character, albeit at a smaller scale than is proposed.
- 8.25 It is considered that the proposed building will link visually with the larger more commercial scale of buildings which front on to the Old Shoreham

Road and overall, whilst the proposed building will certainly be of prominence and contrasting scale, the building will have a positive impact upon the street scene. The proposed development successfully addresses the design challenges of the site.

8.26 Transport and Parking

As detailed above, the site is well served by public transport in the form of buses and Hove Railway Station. Twenty three parking spaces are proposed on site; all allocated to the proposed flats other than one of three disabled spaces which would be allocated to the office use. Vehicular access would be from Orchard Gardens as it is at present.

8.27 Cycle parking (42 spaces) is proposed within the ground floor car park and it is recommended that full details of this provision be secured by planning condition.

8.28 The applicant's submission sets out that the existing commercial use results in overspill parking of 8-10 vehicles, although this would be difficult to confirm given that a large part of the site at present is an enclosed yard where parking for staff may often be available. It is estimated that the proposed office use could generate demand for on-street parking of 15 staff vehicles plus visitors, although this is based upon all 27 employees being on site at the same time, which is unlikely to always be the case. The proposed residential use could result in an overspill of 9 vehicles, this last figure may however also be an overestimate as the development primarily comprises 1 and 2-bedroom flats rather than larger dwellings.

8.29 Representations received set out that on-street parking during the day is in extremely high demand from residents and their visitors and also from staff employed by surrounding businesses such as Legal and General and C. Dugard. It is noted that whilst a Transport Statement has been submitted, the applicants have not carried out any daytime parking surveys to demonstrate whether there is adequate capacity for the uplift in demand which would result.

8.30 Notwithstanding the absence of parking surveys, the Transport Team have commented upon the application submission and consider that subject to securing Travel Plan measures such as employee / resident travel packs consider that the potential overspill parking which would result is not at a level which warrants the refusal of planning permission.

8.31 On this basis, subject to compliance with the conditions set out above, the proposed development is considered to be acceptable in highways / transport terms.

8.32 Neighbouring amenity

The proposed building is of a considerable scale and therefore has the potential to have an overbearing and overshadowing impact upon neighbouring residential properties. There will however be a substantial spacing from residential properties as there is road between the application

site and these dwellings. To the west of the site the properties on Nevill Road are set approximately 24 metres away from the proposed building, to the north no. 1 Nevill Road and no. 32 Orchard Gardens are set away by approximately 14-15 metres.

- 8.33 Given these distances, whilst the proposed building would substantially alter the outlook from these neighbouring properties, it is considered that an overbearing impact would not result.
- 8.34 In respect of overshadowing, a detailed Sunlight and Daylight has been carried out on behalf of the applicant in accordance with BRE guidance. The report sets out that some impact in respect of loss of daylight / sunlight will occur, but the resulting situation and change in circumstance would be within acceptable limits as set out in BRE guidance (Littlefair, P (2011) *Site layout planning for daylight and sunlight: a guide to good practice*). Having regard to the findings of this report it is considered that significant harm would not be caused by overshadowing and that the application does not warrant refusal on such grounds.
- 8.35 In regard to privacy, the proposed building will cause additional overlooking of neighbouring dwellings and gardens from the windows and balconies of the proposed building. Again however it is noted that spacing between the building and neighbouring dwellings would be retained as they are sited over the road from the application site. In this context it is considered that the harm to neighbouring privacy which would be caused does not warrant the refusal of planning permission; the resultant relationship would be of an acceptable nature.
- 8.36 Representations received raise concerns in respect of noise disturbance. The proposed development would however see the removal of the existing use which is likely to generate noise disturbance, to be replaced with office and residential uses, which are in general considered to be compatible with surrounding residential uses. Use of the proposed garden area and balconies may cause some noise but the likely levels of activity are unlikely to cause significant harm to neighbouring occupiers.

Environmental Health

8.37 Land contamination

The site represents potentially contaminated land. A desktop study has been submitted in this regard. To address potential contamination a full site investigation and scheme of remediation should be carried out if necessary as part of the construction phase of the proposed development. It is recommended that a strategy be secured by planning condition.

8.38 Noise disturbance to future residential occupiers

Future residents would be subjected to noise from traffic and the neighbouring commercial uses (and potentially the proposed office use), A noise report has been submitted and the Environmental Health Officer has commented on the submitted information. It is concluded that noise nuisance could be successfully addressed through sound insulation measures and the

installation of a ventilation system to ensure that future residents do not need to open windows to receive fresh air. Sound insulation measures and details of such a ventilation system are recommended to be secured by condition.

8.39 Air quality

There is an Air Quality Management Area to the south of the site. Whilst the air quality in this location is considered acceptable for future occupiers, the ventilation system required above will draw in fresh air from locations set away from the primary road frontages which will improve air quality for future occupiers.

8.40 The Air Quality Officer has recommended that a Construction Environmental Management Plan be secured by condition which details construction traffic routes which should be to / from the north of the site to avoid the AQMA.

8.41 The Air Quality Officer has also recommended that central heating and hot water systems are electric, or that if combustion on site is required to meet the shortfall of electric and renewables this should be ultralow NOx natural gas or bio-methane fuelled boilers for temperature control and hot water. A condition is therefore recommended to secure further details of the proposed central heating and hot water system.

8.42 Water source protection and surface water drainage

The Council's Flood Officer recommends that a full surface water drainage strategy incorporating sustainable urban drainage measure be secured by planning condition. Southern Water have recommended conditions and informatives in respect of drainage and connection to mains water and sewerage. The site lies within a ground water source protection zone and the Environment Agency's comments have been sought in this regard. At the time of drafting this report these comments had not yet been received and will be reported to members at committee if available.

8.43 Environmental Sustainability

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The ground floor office use would be secured as a Breeam rating of 'Very Good'. An installation of photovoltaic panels to the roof of the building; full details of this array its implementation are recommended to be secured by planning condition.

8.44 The Sustainability Officer recommends that measures should be secured to ensure that the development can connect to a future district heating system, which relates to the objective within the Hove Station development area (Policy DA6) to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. The applicant has confirmed that they would not be in agreement to such a requirement, and as the application site is not actually within the DA boundaries (the northern

boundary runs along Old Shoreham Road) it would not be reasonable to require such measures in this case.

8.45 Landscaping / biodiversity

Local Planning policies and guidance and the NPPF require high quality landscaping and that development deliver a net gain in biodiversity terms. In this case planting is proposed to the street frontages of the development and a large communal landscaped garden is proposed. These elements provide the opportunity to deliver substantial planting including species which will deliver biodiversity gains by for example utilising native species of local provenance and attracting wildlife. Full details of landscaping and biodiversity enhancements are recommended to be secured by planning condition.

8.46 Conclusion

The proposed development would result in the loss of the existing employment use; the new building would deliver replacement employment floorspace and a potential net uplift in the number of staff which would be accommodated. The proposed residential units would provide a good standard of accommodation, 40% affordable units and an acceptable mix of unit sizes. The proposed building design would appear in contrast to the prevailing character Nevill Road street scene, but would relate well to the larger buildings fronting on to Old Shoreham Road, and overall is considered to represent a good standard of design which would have a positive impact upon the Nevill Road and Orchard Gardens street scenes.

8.47 Some increased overspill parking would result however the Transport Team consider that this overspill would not cause significant harm subject to securing other measures such as Travel Packs and infrastructure improvements.

8.48 The proposed building would result in some additional overshadowing of neighbouring properties however significant harm would not be caused as demonstrated in the submitted sunlight and daylight report.

8.49 Other matters such as sustainability measures, sound insulation, landscaping and biodiversity enhancements are recommended to be secured by condition.

8.50 Overall it is considered that the scheme would deliver substantial benefits and significant harm would not be caused. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

9.1 The scheme would provide for 40% affordable housing. Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible, the remaining units to be constructed to optional Building Regulations access standards.

10. DEVELOPER CONTRIBUTIONS

10.1 **Sustainable Transport:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £11,000 contribution to sustainable transport infrastructure to be allocated towards the following:

- Hove Park Tavern north bound bus stop in the form of a bus shelter or Real Time Information sign and/or
- Pedestrian improvements in the immediate vicinity of the site to improve access to local facilities.

10.2 **Education:** Based upon the current adopted Developer Contributions Technical Guidance, £38,430 towards the cost of providing primary (£14,851), secondary (£20,192), and sixth form (£3,386) education provision.

10.3 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £63,604 towards the following:

- Parks – Hove Park and/or Hove Recreation Ground, Three Cornered Copse
- Play – Hove Park and/or Dyke Park, Hove Lagoon
- Sports – Hove Park and/or Nevill, Withdean Leisure Complex, King Alfred, Hove Recreation Ground
- Amenity/Natural Semi Natural – Three Cornered Copse And/or Hove Park, Hove Recreation Ground
- Allotments – Weald and/or North Nevill

10.4 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £7,500 plus a commitment to 20% local employment for the demolition and construction phases.

10.5 **Artistic component / public realm:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, that the scheme incorporates an artistic component or public realm improvements to the value of £18,600.

ITEM C

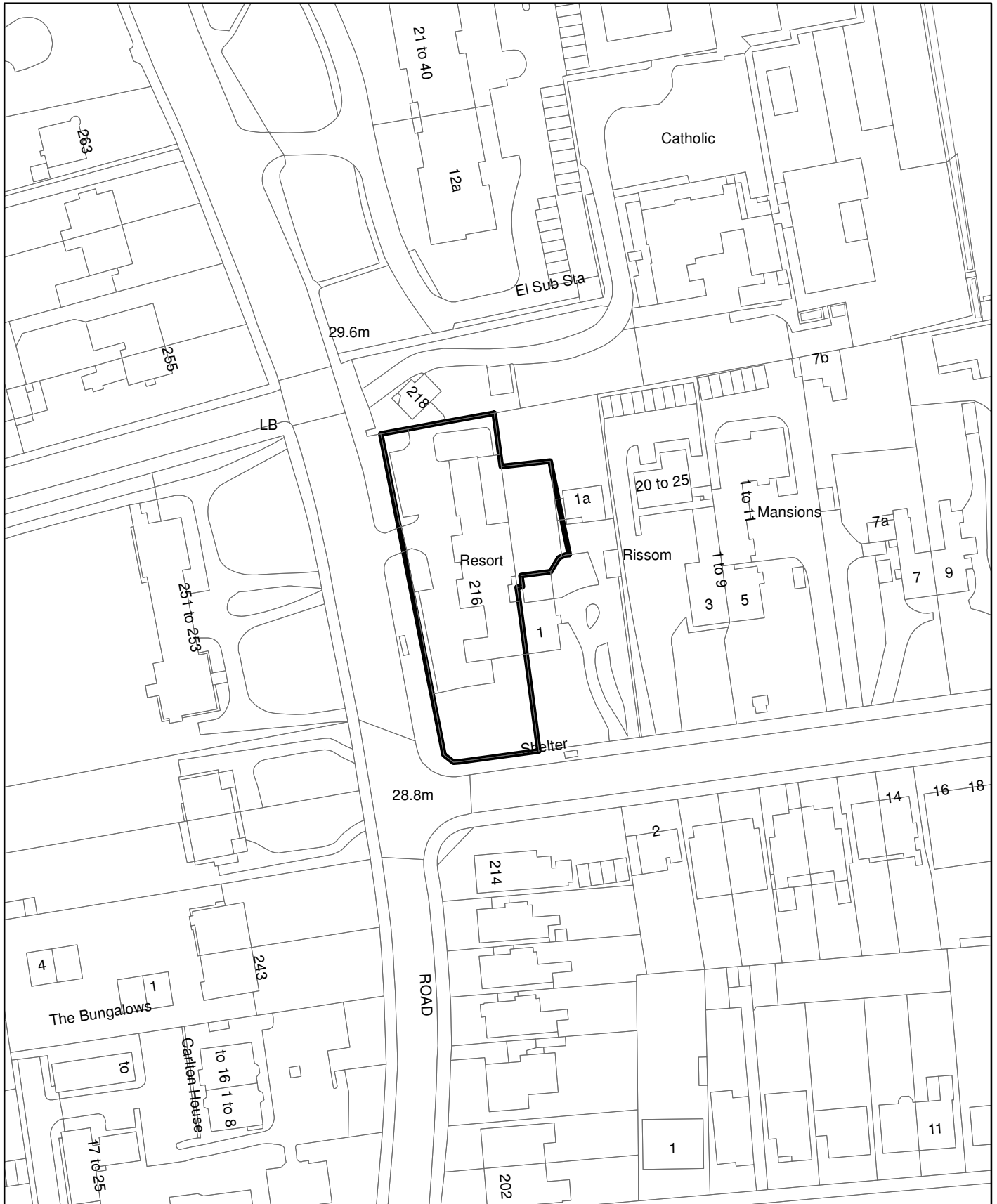
**Preston Park Hotel 216 Preston Road,
Brighton**

BH2015/04536

Full planning

DATE OF COMMITTEE: 6th June 2018

BH2015-04536 Preston Park Hotel 216 Preston Road Brighton



Scale: 1:1,250

<u>No:</u>	BH2015/04536	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Preston Park Hotel 216 Preston Road Brighton		
<u>Proposal:</u>	Change of use of hotel (C1) to residential (C3) comprising conversion of main hotel and demolition and redevelopment of north wing, to provide 13no self-contained open market flats and 9no affordable flats, alterations to front façade, retention of 27 car parking spaces and provision of new cycle and refuse facilities.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	15.03.2016
<u>Con Area:</u>	PRESTON PARK	<u>Expiry Date:</u>	22.03.2016
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Preston Park Hotel Ltd c/o Lewis and Co Planning 2 Port Hall Road Brighton BN1 6UU		

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 **REFUSE planning permission** for the following reasons:

In the absence of a completed s106 Legal Agreement the proposed development:

- Fails to provide an appropriate affordable housing provision;
- Fails to address the additional impacts upon sustainable transport infrastructure which the proposed development would cause;
- Fails to address the additional impacts upon educational provision which the proposed development would cause;
- Fails to address the additional demand for open space which the proposed development would cause; and
- Fails to contribute to the Council's Local Employment Scheme.

- 1.2 The proposed development is therefore contrary to Policies SA6, CP2 CP7, CP9, CP16, CP18 and CP20 of the Brighton and Hove Local Plan.

2. CONSIDERATIONS & ASSESSMENT

- 2.1 This application sought consent for change of use of a hotel to self-contained residential units including the redevelopment of the northern wing of the hotel. The development would have provided 13 market housing flats and 9 affordable flats.

- 2.2 Members voted to approve the application at the committee meeting of the 12th of October 2016 (see Committee Report set out in Appendix 1 below) subject to the completion of a s106 Legal Agreement to secure the following:
- 40% affordable housing (9 units)
 - A contribution towards sustainable transport infrastructure of £11,440
 - A contribution towards the Local Employment Scheme of £11,000 and an Employment and Training Strategy -including a commitment to a minimum of 20% local labour.
 - A contribution towards education of £28,584.80
 - A contribution towards Open Space provision of: £54,928
- 2.3 Since the committee meeting the Local Planning Authority has sought to progress the Legal Agreement to completion. Unfortunately in this case the Applicant has not been able to complete the Legal Agreement. There have been extended periods of inactivity, and no clear reasons for the lengthy delays incurred have been provided.
- 2.2 The Local Planning Authority cannot keep the application under consideration indefinitely and therefore the application is returned to committee.
- 2.3 In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, and open space provision, the proposed development does not comply with Local Planning Policies and will not mitigate from the impact resulting from the development. Refusal is therefore recommended.

Appendix 1- Report to Planning Committee Meeting of the 12th of October 2016

<u>No:</u>	BH2015/04536	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
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<u>Applicant:</u>	Preston Park Hotel Ltd	c/o Lewis and Co Planning	2 Port Hall Road Brighton BN1 6UU

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, the following Conditions and Informatives and no additional representations been received within the consultation period which raise new material planning considerations not covered in the report:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01	A	16 December 2015
Other	(PROPOSED SITE PLAN) 21	E	15 June 2016
Elevations Proposed	32	C	15 June 2016
Floor Plans Proposed	23	D	15 June 2016
Block Plan	20	E	15 June 2016
Elevations Proposed	26	D	15 June 2016
Sections Proposed	29	C	15 June 2016
Elevations Proposed	30	D	15 June 2016
Floor Plans Proposed	22	B	15 June 2016
Floor Plans Proposed	24	C	15 June 2016

Floor Plans Proposed	25	B	15 June 2016
Floor Plans Proposed	27	D	15 June 2016
Floor Plans Proposed	28	C	15 June 2016
Noise Report	1093.001R.1.0.RS		15 June 2016

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

3. The first and second floor north facing windows to the side elevation of the new building hereby approved shall not 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 shall be retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

5. The vehicle parking area shown on the approved plans shall be carried out in accordance with the approved layout and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

6. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan

7. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- 1:20 elevation drawings and 1:1 section drawings of all window, door and balcony balustrade types and full details of the proposed verandah restoration.
- Samples of all external materials and hard landscaping materials
Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

8. Prior to first occupation of the development hereby permitted drawings detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

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

- a) Details of all hard surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

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

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

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

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

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.

12. 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.

13. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

15. No less than one of the new build dwellings hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other new build dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

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 Preston Park Hotel, sited on the northern corner of the junction of Harrington Road and Preston Road. The property is sited within the Preston Park Conservation Area. At present the site comprises a large hotel building set back from the highway with an open car park between. The north east corner of the building is a residential dwelling (no. 1 Harrington Road) with its own garden area, this unit is separate to the hotel use.
 - 2.2 The southern end of the building is of greatest historic value, later extensions were added to the north of this structure and a modern flat roofed wing is in situ to the northern end of the site. The boundary wall to the western side of the site has been removed at some point in the past which has left the car park area open to the public realm.
 - 2.3 The application as originally submitted proposed 25 residential dwellings. The original proposal raised concerns in respect of the proportion of affordable housing which was proposed, the mix of unit sizes, and the standard of accommodation which the proposed units would have provided. Concerns were also raised in respect of some of the detailed design elements of the proposed external design, and in respect of the proposed car park layout and pedestrian access routes.
 - 2.4 Amended drawings were submitted during the course of the application. These included:
 - A reduction in number of units proposed from 25 to 22.
 - Improvement of units which had raised concerns in respect of size and standard of accommodation.
 - Improved mix of unit sizes including 3 three-bedroom units.
 - Minor design alterations to the proposed front elevation.
 - Amendments to the proposed car park layout and pedestrian access.
 - 2.5 The agent for the application also subsequently confirmed that in addition to the 8 affordable units proposed in the new build element of the development, a ninth affordable unit would be delivered within the converted main building, which overall would result in a policy compliant proportion of affordable units (40.9%).
 - 2.6 The council's response to the amended scheme is set out in the report below. Neighbouring occupiers have been re-consulted on these amended drawings.

3. RELEVANT HISTORY

73/2376: Erection of extension on North side of existing premises to form 10 new bedrooms with ancillary accommodation over and internal alterations to existing premises. Approved 25/09/1973.

4. REPRESENTATIONS

4.1 **Six (6)** letters have been received from nos. **1, 1A and 4 Harrington Road, a Ms Akrem-Abdul of Harrington Road (full address not provided) and from St Bernadette's Catholic School** objecting to the proposed development for the following reasons:

- The existing hotel use may still be viable; it is often full particularly when events are staged in the city.
- The proposed construction works will cause noise disturbance for occupiers of no. 1 Harrington Road.
- No details of soundproofing proposed between no. 1 Harrington Road and the proposed flats has been provided.
- A proposed balcony to the southern elevation would overlook the garden of no. 1 Harrington Road.
- A storage room which forms part of no. 1 Harrington Road's demise would open into the grounds of one of the proposed flats.
- The proposed development will cause additional overshadowing and overlooking of no. 1A Harrington Road.
- Vehicles and general coming and goings associated with the proposed residential units will cause additional noise disturbance.
- Vehicular movements associated with the proposed residential units will result in an increased highway safety risk.
- The proposed development would result in additional demand for on-street parking on Harrington Road. On-street parking is already in high demand.
- The access to St Bernadette's Catholic School must remain clear at all times during construction works.
- The proposed construction works will cause noise and disruption to St Bernadette's Catholic School.

4.2 **One (1)** letter has been received from no. **6 Harrington Road** supporting the application for the following reasons:

- The area needs more housing of this kind and the changes proposed to the existing buildings will benefit the conservation area.

5. CONSULTATIONS

5.1 **Environmental Health:** Comment

Comment 06/04/2016:

The application looks to convert, and re-develop the current hotel, to create a number of residential units.

- 5.2 At pre-app in June 2014, environmental health raised the fact that the proposed development is located very close to the A23. It was stated that acoustic information would be required to show what measures would need to be installed to protect future residents. No acoustic data seems to be attached to the current application.
- 5.3 Defra noise maps estimate that road traffic noise near the proposed buildings is around 60 - 64.9dB (A) at night and 70 - 74.9dB (A) during the day. This raises concerns over the level of noise generated by road traffic as Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise. We would therefore require an acoustic survey to identify background levels, and if necessary give recommendations on what works are needed to ensure the new residential dwellings will not be affected by road traffic noise.
- 5.4 Environmental Health uses a number of professional standards (World Health Organisation Guidelines on Community Noise and BS8233) to assess whether internal noise levels within a property will be acceptable. Without any levels of noise known, it impossible to foresee what level of mitigation measures may be necessary, if any, to protect residents.
- 5.5 Further to the noise problems due to the heavy use of A23 there is also likely to be an effect on air quality and as such Samuel Rouse has been copied in to ensure that he is aware of these comments.
- 5.6 The NPPF recognises the need to protect future residents from potential noise pollution and this is shown in paragraphs 109,110 and 123.
- 5.7 An acoustic report has not been submitted, and overall the application submission fails to demonstrate that future occupiers would not suffer harmful noise disturbance.
- 5.8 Further comment 18/08/2016:
Due to high road traffic noise, the submitted report identifies that mitigation measures will be necessary with regards to glazing. The report goes on to show that the degree of protection will differ for each façade of the building. Table 6.4 within 7th Wave's report outlines the levels of protection that will need to be achieved at differing facades.
- 5.9 Furthermore because desired internal noise levels can only be met with the windows closed, alternative ventilation will need to be provided that does not compromise noise insulation level of the façade or glazing. 7th Wave's report has not made suggestions as to what ventilation will be needed, so a condition will need to be applied to ensure a written scheme for suitable ventilation is submitted for approval to the local planning authority prior to development.
- 5.10 Approval is recommended subject to conditions requiring the installation of acoustic glazing mitigation measures in accordance with the submitted report

and the submission of details of a ventilation system to allow for a sufficient fresh air source without windows having to be open.

5.11 **Heritage:** No objection / Comment

5.12 Comments 28/04/2016:

This site is located wholly within the Preston Park Conservation Area. This part of Preston Road lies within the former Clermont Estate area of Preston Park and was developed from c1870 after the opening of the nearby railway station. The various villas on both sides of the road are two storeys plus a half basement, with canted bays and large sash windows beneath overhanging eaves supported on elegant brackets. These houses once stood in large gardens set well back from the road, but regrettably many of these have become car parking areas, although substantial front boundary walls and many mature trees help to soften the impact.

5.13 The earliest part of the Preston Park Hotel was originally a house that formed part of a pair of semi-detached villas facing Harrington Road and had been built by 1874. It is painted stucco beneath a slate roof with projecting eaves and decorative eaves brackets and has a surviving ground floor verandah (though unsympathetically altered). By 1898 a double fronted building had been constructed facing Preston Road, with the appearance of a detached villa but adjoining the original house. It is in similar style but with wide canted bays.

At some time in the 20th century the buildings became used as a nursing home and were then converted to a hotel in the late 1960s. In the 1970s the current large flat roofed extension was built to the north of the site and was extended further northwards in c1994. This extension is a plain, functional structure of no architectural merit and it detracts from the appearance of the original buildings and the wider conservation area. Also c1994 the southern corner was infilled in matching Victorian style (though with a canted bay at ground floor only), so giving the appearance of a triple fronted villa.

5.14 The buildings occupy a prominent corner plot which fronts onto Preston Road and the side boundary abuts back edge of pavement along Harrington Road. Therefore, the building is prominent within the streetscene with extensive views into the site along the two streets. The original boundary walls have been lost and the frontage is an open area of car parking, further cluttered by various signage, and this frontage significantly detracts from the setting of the historic buildings and from the wider conservation area.

The submitted Heritage statement demonstrates how the site has incrementally developed over time and that the original concept of a semi-detached villa set within large grounds has long been lost. The hotel today is an untidy mix of these different phases of development, in which the original 1870s and later 19th century elements are not readily discernible, as well as unsympathetic alterations such as replacement windows and the infilling of the open verandah on the south elevation. The late 20th century flat roofed extension to the north is particularly harmful to the appearance of the area whilst the open car parking and lack of soft landscaping to the frontage provides none of the traditional screening to be found along Preston Road.

- 5.15 The proposal by contrast would bring a significant degree of visual coherence to the site, largely retaining the historic elements and extending the main hotel building in a manner that reflects the spirit of the original late Victorian approach to the area. The restoration of the verandah and glazing pattern are welcome enhancements, subject to detail, The demolition of the flat roofed extension and its replacement by a separate building, is welcome. The new building would be a contemporary, simplified version of the Victorian design and would have 3 storeys with a slightly higher eaves line, but it would respect the existing building and would have a more appropriate presence in the street scene. There is some concern with regard to the modest gap between the two buildings, which could lead to a terracing effect in oblique views. This concern could be addressed by increasing the gap or by increasing the degree of building line set back either side of the gap.
- 5.16 Some of the new balconies in the recesses are flush with the main building line and should instead be set back at least 300mm from the face of the elevation.
- 5.17 The reinstatement of a front boundary wall with pillars is very welcome but it needs to be clarified whether the new wall is to extend round to the Harrington Road frontage, where there is currently a low wall and a timber fence. The front area would also benefit greatly from some tree planting to soften it. Trees and greenery are a notable feature of this part of Preston Road. Consideration should also be given to forming a separate pedestrian entrance through the wall, towards the southern corner.
- 5.18 Additional comments 27/06/2016 following the submission of amended drawings:
The amendments have sought to address the concern about the modest gap between the two buildings, which could lead to a terracing effect in oblique views, by setting back the north-east corner of the main building slightly. Whilst a wider gap or greater set back either side would be desirable the amendments have satisfactorily addressed the other concerns raised: by setting back all of the balconies from the main façade by at least 300mm; by reducing the width of the first floor balcony on the south side elevation; by forming a separate pedestrian entrance in the front boundary wall (aligned with the main entrance); and by including new tree planting along the frontage boundary to soften the car parking area. Overall therefore it is now considered that the proposals are acceptable from a heritage perspective and would enhance the appearance of the conservation area.
- 5.19 If permission is granted larger scale details would be needed of the new windows, doors and balconies, the new boundary wall and the restoration of the verandah, as well as samples of materials (including hard surface materials).
- 5.20 **Housing: Objection**
Comments 21/03/2016 based upon the original submission:

The city-wide Housing Strategy adopted by Council in March 2015 , has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council's published Affordable Housing Brief (update October 2015) sets out the council's preferences with regard to units mix and design etc. where affordable housing is provided through Policy HO2/ CP20. This response outlines where the proposed application meets / does not meet the Affordable Housing Brief guidance.

- 5.21 This scheme proposes to provide 25 apartments as a refurbishment of the existing hotel plus an additional new build block which will accommodate the proposed affordable housing. The proposal currently offers 9 affordable housing units which equates to 36% which is not policy compliant with the 40% as outlined in the Affordable Housing Brief. 40% would equate to 10 properties.
- 5.22 The overall scheme (including the affordable housing) consists of 7 x 2 bed flats ; 15 x 1 bed flats and 3 x studios. The affordable housing proposed is formed of 8 x 1 bed and 1 x 2 bed 3 person wheelchair accessible unit. This is a high proportion of smaller units. One additional two bedroom unit would ensure it met the council's Affordable Housing Brief and better reflected the required unit mix.
- 5.23 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City.
- 5.24 In terms of need for rented accommodation: We currently have 1,601 households in Temporary Accommodation and more than 22,800 people on the joint housing register (67% of whom are in demonstrable need - Bands A to C). With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. [Source: Housing Statistical Bulletin October to December 2015]. In terms of the demand for shared ownership there are currently 753 applicants registered with the Help to Buy agent, of which 464 have a local connection by virtue of already living in the city. Additional eligible households may come forward when shared ownership properties are advertised for sale. [Source: Housing Statistical Bulletin October to December 2015].

N.B. The scheme has been amended during the course of the application and now delivers a policy compliant scheme in respect of affordable housing.

5.25 **Private Sector Housing:** No objection

5.26 **Planning Policy:** Comment

Comments 08/08/2016:

The loss of hotel use would not be contrary to Policy CP6 Visitor Accommodation in the City Plan Part 1 and in planning policy terms the change of use to residential would make a welcome contribution to city's housing requirements and to the city's housing land supply position (CP1 Housing Delivery).

- 5.27 Clarity however is required from the applicant regarding the amount and tenure of affordable housing provision; housing mix; private amenity space provision; open space and sports provision in order to assess whether the proposal complies with CP19, CP20, CP16 and CP17 of the adopted City Plan Part 1 and HO5 of the Local Plan.
- 5.28 The requirement to provide public open space is not addressed within the application site and therefore a contribution towards off-site provision will be required.
- 5.29 Further comments 23/06/2016 following the submission of amended drawings:
- 5.30 Market housing: It is welcomed that the amendments have reduced the number of studio units and introduced some 3 bed units. The scheme overall still provides a dominance of 1 bed units and a better provision of 2 bed units would be more policy compliant.
- 5.31 Affordable Housing: On a scheme of 22 units this would equate to 9 units (rounding up of 8.8 units), only 8 units have been provided and this should be clarified by the applicant. Evidence, referred to in paragraph 4.220 of the supporting text to CP20 Affordable Housing, indicates the significant need for affordable housing in the city. Paragraph 4.223 indicates that the council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 5.32 Justification for a lower provision of affordable housing will need to address criteria i-v in the policy. There is no indication of the proposed tenure of affordable housing to be provided and this should also be clarified by the applicant in order assess whether the proposal complies with CP20. The Housing Strategy Team should be consulted on this application.
- 5.33 Further comments 01/09/2016:
Whilst it is note that the tenure(s) of the proposed affordable housing is still to be confirmed, provision of an additional unit of affordable housing (9 in total) would ensure compliance with the Policy CP20 Affordable Housing. The balance between one and two bedroom units is also improved as a result and is considered on balance to be acceptable.
- 5.34 **Sustainable Transport:** No objection
Comments 12/05/2016:

Amendments are required to provide a safe and enhanced pedestrian entrance to the site, amendments to disabled parking bays, and amendments

to cycle storage provision. A contribution of £13,000 towards sustainable transport infrastructure in the immediate vicinity of the application site is required.

5.34 Further comments 14/06/2016 following the submission of amended drawings:

All comments previously raised have been addressed; approval is therefore recommended subject to recommended conditions and securing the required contribution towards sustainable transport infrastructure in the immediate vicinity of the application site.

5.35 **Flood Risk Management:** No objection

Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below:

5.36 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

5.37 The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

5.38 **City Regeneration:** Comment

City Regeneration supports this application despite the regrettable loss of a long-established hotel. It was noted that information has been provided in respect of the poor financial performance in recent years resulting in unsustainable levels of subsidy. It is indicated within the design, access and planning statement that closure of the hotel is the inevitable outcome.

5.39 The location of the hotel doesn't fall within the core hotel area as referred to within the Local Plan policy SR15 or emerging City Plan policy CP6 and is therefore not subject to any constraints regarding change of use. However, there is no reference within the application's supporting documents, to the marketing of the hotel which might enable a potential new proprietor to invest in the property itself and the business.

5.40 It was noted that there is also no indication to the number of current employees in the planning application.

5.41 However should the application gain approval, City Regeneration will welcome the additional accommodation that will contribute to the city's challenging housing needs.

- 5.42 Due to the number of new dwellings resulting from the development, if approved, an Employment and Training Strategy will be required to include a commitment to using an agreed percentage of local labour. It is proposed for this development that the percentage of 20% local employment for the demolition (where appropriate) and construction phases is required and early liaison with the Local Employment Scheme Co-ordinator is encouraged in order to have the Employment & Training Strategy agreed in advance and to avoid any delays in site commencement.
- 5.43 In addition to the Employment and Training Strategy, City Regeneration requests a contribution through a S106 agreement towards the Local Employment Scheme in accordance with the Developer Contributions Guidance
- 5.44 **Sustainability: Comment**
City Plan Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 5.45 CP8 sets out residential energy and water efficiency standards required to be met by the Planning Authority:
-Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013. (This is equivalent to energy performance from outgoing Code for Sustainable Homes to Level 4).
-Water efficiency standards of 110 litres/person/day (equivalent to water performance standards from outgoing Code for Sustainable Homes to Level 4).
- 5.46 **Air Quality Officer: Comment**
The application site facade is set back from the main road (A23) by at least several metres and is north of the main AQMA and the Preston Road-Preston Drove junction hotspot (2013-AQMA). Traffic to and from site is not likely to be substantial or change significantly. Surrounding pollution levels are low. An air quality assessment is not required.
- 5.47 **Ecologist: Comment**
The application includes no proposals for enhancement of the site for biodiversity; this is required to help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the planting of climbers along the new boundary wall and the provision of bird and/or bat boxes. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Given the location of the site, it is recommended that bird boxes should target starlings and swifts. Woodcrete boxes are recommended for their durability.

- 5.48 If the Council is minded to approve the application, it is recommended that a condition is applied requiring an Ecological Design Strategy to enhance the nature conservation value of the site.
- 5.49 In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 5.50 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.
- 5.51 **Southern Water: Comment**
A formal application for connection to the public sewerage system will be required. Full details of surface water drainage should be submitted.
- 5.52 **Crime Prevention Officer: Comment**
Standard security measures are recommended.
- 5.53 **County Archaeologist: No objection.**
- 5.54 **UK Power Networks: No objection.**
- 5.55 **East Sussex Fire and Rescue: No objection.**
Access to the site must be provided in accordance with agreed standards; there should be vehicle access for a pump appliance to within 45 metres of all points within each dwelling.

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

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.

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

7 POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP6 Visitor accommodation
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD44 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development which consists of the loss of the existing hotel use and the redevelopment of the site for residential use, transport, standard of accommodation, access standards, noise disturbance / air quality, sustainability, landscaping and biodiversity.

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

8.3 Planning Policy:

8.1 Policy CP6 states that:

To support the city's tourism and business conference economy the council will support the provision of a sufficient and wide ranging type of visitor accommodation:

1. Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).
2. Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.
3. The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.
4. Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.
5. Partial conversion of a hotel will be considered where there is adequate demonstration of the need to enable investment in the remaining hotel.
6. Within the Hotel Core Zone, loss of hotels/ guest houses (serviced accommodation) will be considered where it can be demonstrated that:
 - a) The premises has limited potential to upgrade and position itself viably in the market; and
 - b) The loss of the premises would not set an unacceptable precedent in relation to the concentration and role of nearby/ adjacent serviced accommodation; and
 - c) The new use would be compatible with the character and other uses in the area.

- 8.2 The Hotel Core Zone shown on the policies map indicates the area where the main accommodation clusters and drivers of accommodation demand can be found.
- 8.3 The application property is sited outside of the Hotel Core Zone defined in the City Plan Part 1. In this case, the loss of the existing hotel use is considered to be acceptable having regard to policy CP6 which sets out an objective that new hotel accommodation should typically be directed towards central Brighton.
- 8.4 Whilst the loss of visitor accommodation is not welcomed, it is not resisted in this case as it is an objective of policy that hotel accommodation ideally be sited in the central Brighton area.
- 8.5 The proposed use as residential dwellings would contribute towards the housing needs of the city and is considered an appropriate alternative use for the site.
- 8.6 In regard to affordable housing, policy CP20 requires that development of the scale proposed provide 40% onsite affordable housing provision and policy CP19 requires a mix of unit sizes which reflect local needs. Whilst the scheme as originally submitted did not address these requirements, amended drawings have been submitted and the agent has confirmed in writing that 9 of the 22 units proposed will be affordable; 8 within the new building proposed and one within the main building. This equates to 40.9% of the overall scheme. The mix of units proposed would comprise:

Market Housing unit mix:

Studio: 1
1-bed: 6
2-bed: 4
3 bed: 2
Total: 13

Affordable Housing unit mix:

1-bed: 6
2-bed: 2
3 bed: 1
Total: 9

In regard to mix of unit size, the council would normally seek:

Affordable Housing- as set out in Policy CP20:

30 % 1-bedroom units, 45% 2-bedroom units and 25% 3-bedroom units

Market Housing- as set out in the latest Housing Needs Study (June 2015):

15% 1-bedroom units, 35% 2-bedroom units, 35% 3-bedroom units, 15% 4+ bedroom units.

The proposed development would provide:

Affordable Housing-

67% 1-bedroom units, 22% 2-bedroom and 11% 3-bedroom units

Market Housing-

54% studio / 1-bedroom units, 31% 2-bedroom units and 15% 3-bedroom units.

8.7 The proposed development does not therefore provide an entirely compliant mix of unit sizes, the inclusion of six 2-bedroom units and three 3-bedroom units is however welcomed and overall, given that a policy compliant proportion of affordable housing is to be included in the development, it is considered that the unit mix proposed is acceptable in this case.

8.8 **Design and Appearance:**

It is proposed that the 1970's northern wing of the existing building be demolished and replaced with a new building which would be detached from the main hotel building. The main building would be converted to residential use. Minor external changes are proposed to the main building. The reinstatement of a boundary wall to the western side of the site is proposed.

8.9 The existing northern wing is three storey in height with a flat roof. The proposed new building to replace the northern wing is three storeys in height with a hipped roof form and hipped roof front projections. The eaves of the proposed building would sit slightly lower than the existing flat roof level, with the main ridge of the new roof approximately 1 metre higher than the existing flat roof. Inset balconies are proposed to the front of the building at first and second floor level alongside these projections. Glazed doors and sash windows of traditional design are proposed. To the rear projecting bay windows are proposed at ground and first floor level. The north facing side elevation of the building is relatively plain with four small sash windows. This façade has been designed in response to the proximity of the neighbouring property to the north.

8.10 The new building would be set away from the existing main building by 1.8 metres.

8.11 In regard to footprint, the proposed building is very similar to that of the existing northern wing which is to be demolished. The new building extends slightly closer (500mm) to the northern boundary of the site.

8.12 Overall it is considered that the new building represents a high quality of design. The new building, having regard to its scale, form and detailing would sit comfortably alongside the main building which is to be retained. The gap to be retained between the main building and the new form is considered appropriate.

8.13 The alterations proposed to the main building which is to be retained consist of:

* A reconfiguration of the northern end of the building.

* A reconfiguration of the section of building which sits between the front projections to the southern end of the building.

* Restoration works to the southern elevation of the building.

- 8.14 These works are considered to represent sympathetic additions / alterations to the building and are welcomed.
- 8.15 In addition to the above, it is proposed that an appropriate boundary treatment (wall) would be reinstated between the pavement and the car park of the site. This would be of significant benefit to the appearance of the property and the Conservation Area street scene. The current lack of strong boundary treatment is of significant detriment to the street scene at present. New tree planting and soft landscaping is also proposed to the car park area. Conditions are recommended which would secure further details of these elements of the scheme.
- 8.16 Overall it considered that the development would deliver substantial improvements to the appearance of the site and the conservation area street scene. The proposed new building would represent a substantial improvement in comparison to the existing 1970's wing, the reinstatement of a boundary wall will provide an attractive and appropriate division between the site and the public highway, and the alterations to the main building are sympathetic in nature.
- 8.17 The Heritage Officer supports the proposed development; initial concerns were raised in respect of detailed design issues, these concerns have been addressed through the submission of amended drawings.
- 8.18 Landscaping / biodiversity:
The proposed boundary treatments and landscaping are considered to be acceptable. Full details of landscaping and a scheme of nature conservation improvements commensurate to the nature and scale of the scheme are recommended to be secured by condition.
- 8.19 **Standard of accommodation / access standards:**
As originally submitted, a number of the units proposed did raise concerns in respect of standard of accommodation. In response to these concerns amended drawings have been submitted, the improvements to the proposed unit sizes and layouts required a reduction in the number of units proposed, from 25 to 22.
- 8.20 The Council does not have a policy to require compliance with minimum space standards. Policy QD27 and the Core Planning Principles of the NPPF do however require that all developments deliver a good standard of amenity for all existing and future occupants of land and buildings. When assessing whether a residential development meets this objective, a useful point of reference is the Government's Nationally Adopted Space Standards (March 2015).

- 8.21 The unit sizes proposed, in comparison to Government's Nationally Adopted Space Standards (NS) are as follows:

Studio (NS minimum 37m²): 61m².

1-bedroom flats (NS minimum 50m²): 50 m², 53 m² 58 m², 2x 60 m², 66 m².

2-bedroom flats (NS minimum 61m² / 70m²): 54 m², 62 m², 76 m², 78 m², 80 m².

2-bedroom flats (NS minimum 74m² / 95m²): 78 m², 102 m², 133 m².

- 8.22 Only one of the units (unit 13) falls below the minimum size set out by Government. As a three-person two-bedroom flat Government advises a minimum of 61sqm. This flat does however benefit from a 6sqm balcony. In addition as a unit within a building to be converted a greater degree of flexibility can be applied than would be the case in respect of a new-build dwelling.
- 8.23 It is considered that the proposed development would provide an acceptable standard of accommodation for future occupiers in respect of unit sizes, layouts natural light and outlook. 8 of the 21 units proposed would benefit from a patio area of balcony which is welcomed.
- 8.24 In order to satisfy the requirements of Policy HO13 all new build units should meet optional Building Regulations Standard M4(2) and one of the ground floor units in the new building should meet Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This is secured by planning condition.
- 8.25 **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.
- 8.26 In regard to the new building proposed. objections have been raised by occupants of nos. 1A Harrington Road on the grounds that the proposed building would cause additional overshadowing and overlooking and increased noise disturbance. These concerns and all of the representations received have been fully considered.
- 8.27 The element of the built form which is proposed which has the greatest impact upon neighbouring amenity is the new building to replace the existing northern wing of the building. The occupiers of nos. 218 / 218A to the north of the site and no. 1A Harrington Road will be most affected by this proposed structure. The eaves of the proposed building are slightly lower than the flat roof of the existing wing, the roof ridge of the proposed building projects higher than that of the existing wing. The footprint and overall bulk of the proposed building is similar to the existing wing.

- 8.28 Overall it is considered that the scale and bulk of the proposed building will have a similar impact to the existing wing; substantially increased harm would not be caused by the bulk of the proposed building given the scale of the existing built form.
- 8.29 In regard to overlooking, all windows proposed to the north elevation of the new building are to be obscure glazed / fixed shut and can be controlled by condition as such. To the rear (west) elevation of the new building a number of windows are proposed at ground first and second floor level. The first and second floor windows will provide views into neighbouring properties and gardens, these views will however be similar in nature to those the rear windows of the existing rear wing provide and overall it is considered that the additional overlooking caused would not be of a magnitude which warrants the refusal of planning permission.
- 8.30 In regard to the general nature of the proposed use; a residential use is considered compatible with surrounding development (residential and a school to the north). There would be coming and goings associated with the occupiers of the proposed development and also general noise and activity emanating from the building and site; such activity would not however be of a harmful nature.
- 8.31 **Sustainable Transport:**
The proposed car park would provide 23 parking spaces and a covered cycle store. The Transport Officer has commented upon the application and considers that the scheme would have an acceptable impact subject to a contribution towards sustainable transport infrastructure. The implementation and retention of the proposed car park layout and cycle parking provision is secured by condition.
- 8.32 **Sustainability:**
The proposed new build units should comply with optional Building Regulations Standards for energy and water consumption which is secured by condition.
- 8.33 **Other Considerations:**
Objections have been raised by neighbouring occupiers in regard to the noise and disturbance that the construction works would cause. It is considered that these matters do not warrant the refusal of planning permission in this case.

9. EQUALITIES

9.1 The proposed new build dwellings will meet optional Building Regulations Standards and one unit will be wheelchair accessible.

9.2 s106 Legal Agreement Requirements

Approved is recommended subject to a completed legal agreement securing the following:

- 40% affordable housing (9 units)

- A contribution towards sustainable transport infrastructure of £11,440
- A contribution towards the Local Employment Scheme of £11,000 and an Employment and Training Strategy -including a commitment to a minimum of 20% local labour.
- A contribution towards education of £28,584.80
- A contribution towards Open Space provision of: £54,928

ITEM D

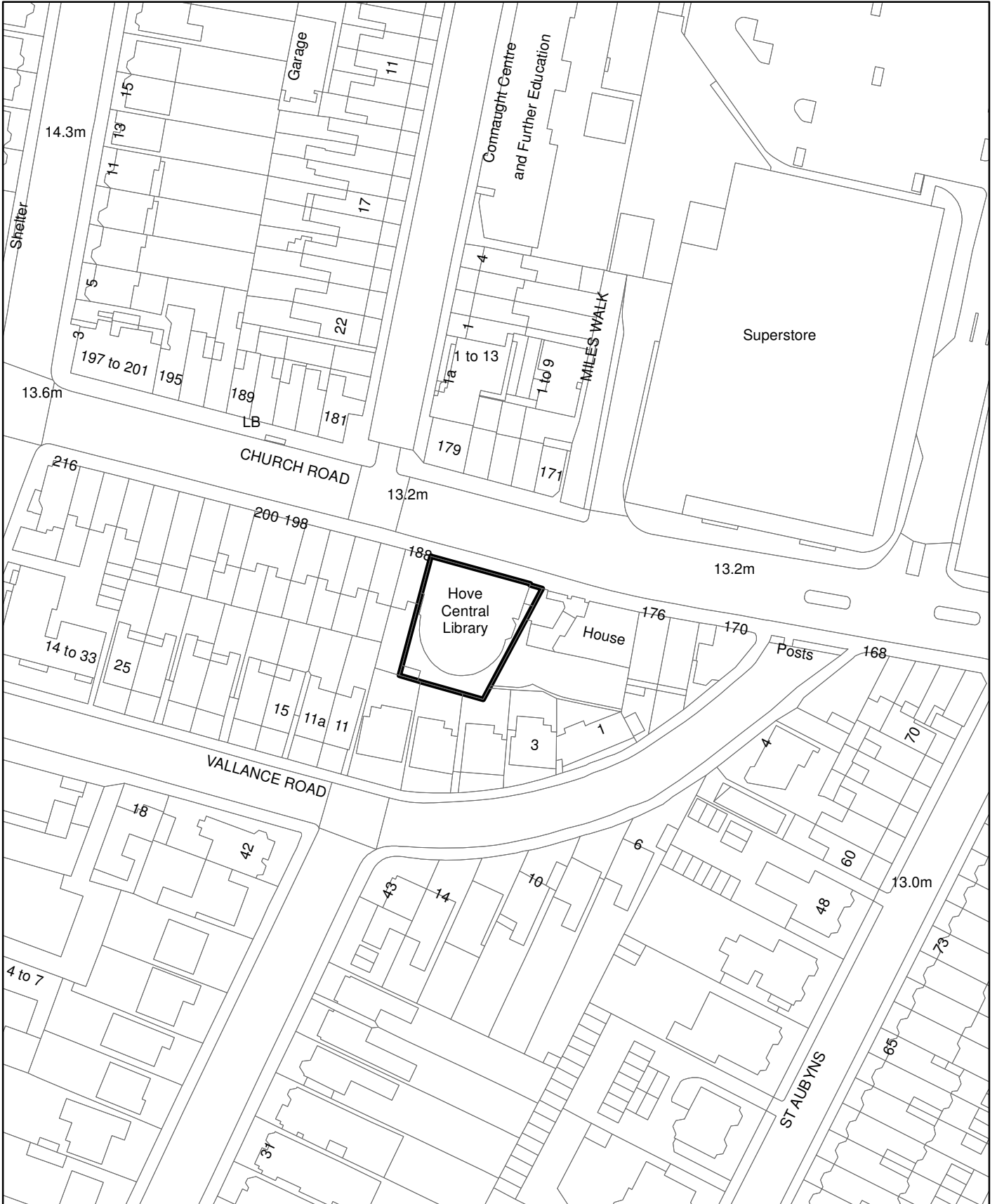
**Hove Central Library, 182 - 186 Church Road
Hove**

BH2018/00469

Listed Building Consent

DATE OF COMMITTEE: 6th June 2018

BH2018-00469 Hove Central Library 182-186 Church Road Hove



Scale: 1:1,250

<u>No:</u>	BH2018/00469	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Hove Central Library 182 - 186 Church Road Hove BN3 2EG		
<u>Proposal:</u>	Internal alterations to lower ground floor & external alterations to rear ground floor including construction of new wall with balustrade, landscaping & associated works to facilitate the conversion to children's day nursery (D1).		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	13.02.2018
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	10.04.2018
<u>Listed Building Grade:</u>	Listed Building Grade II		
<u>Agent:</u>	Broe & Co LLP 66 Haven Way Newhaven BN9 9TD		
<u>Applicant:</u>	Hove Village Day Nursery Ltd 126-128 New Church Road Hove BN3 4JD		

1. RECOMMENDATION

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

Conditions:

- The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The existing brick pavers and concrete beneath the new decking shall not be removed and shall be retained in their existing positions.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	P02		13 February 2018
Existing Floor Plans and Elevations	01	D	21 March 2018
Floor plans and elevations proposed	P01	B	21 March 2018
Design and Access Statement			13 February 2018

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Hove Library is a grade II listed building on Church Road and is located within the Old Hove Conservation Area. Its main decorative façade faces north on to Church Road. The plan form of the building combines a broadly rectangular front portion with a semi-circular section to the rear.
- 2.2 Internally, the main basement space in the southern portion of the building is formed by an almost semi-circular enclosed inner space with an outer ring of radiating cellular spaces, each with at least one window opening. This space is used for staff and storage and is linked to the main library areas by a staircase and modern lift in the easternmost quadrant. It has been adapted in recent years to meet the changing nature of its use resulting from modern technology and the need for improved equal access. These changes have affected the interior.
- 2.3 The exterior of the rear portion of the building is more utilitarian in character than the front. The upper parts are seen in glimpsed views between houses on Vallance Road, and in longer views above these houses from Vallance Gardens.
- 2.4 Listed building consent is sought for external alterations to the rear of the building including construction of a new retaining wall with metal balustrade, installation of decking and landscaping works. Internal alterations to the layout of the lower ground floor level which principally comprise new partitioning, creation of new doorway, new steps/handrail to access the toilets and over-cladding existing screen with plasterboard.

3. RELEVANT HISTORY

BH2018/01123 - Alterations to rear garden area incorporating new steps, handrail and landing for use by children's day nursery. Under consideration.

BH2017/03940 - Installation of ventilation grille to rear elevation. Internal alterations to layout to facilitate the creation of new staff work rooms at ground floor & first floor levels, new toilet facilities to lower ground floor and associated alterations including new surface mounted waste pipe to basement - Approved 20/03/2018.

4. REPRESENTATIONS

Six (6) letters of objection have been received raising the following points:

- The children's play area will have a direct impact to right to peace and quiet
- Lack of information concerning the noise impact and mitigation regarding use of the library
- No Travel Plan submitted with the application
- Site unsuitable for a nursery in terms of dropping off and collecting children by car
- Could lead to double parking on Church Road which would be very dangerous
- Lack of level access to the proposed outside play area

- Irregular shape of the proposed play area has poor sight lines and would be difficult to manage/supervise
- The perimeter of the proposed play area is bounded by hard structures with significant risk of injuries in the play area
- Lack of provision for surface water drainage to minimise the risk of water ponding in the path adjacent to the rear elevation

4.1 Councillor Wealls has objected to the application. A copy of his objection is attached.

5. CONSULTATIONS

5.1 Heritage:

Original Comments Received 07/03/2018

Application BH2017/03940 is relevant to this application. In support of that application the Library Service submitted a statement explaining that in order to retain the continued original use of this building and proposed a modern library service to the public, it has been necessary to identify either savings or identify income generation in order to manage the disproportionately high cost of providing such a service in a listed building.

5.2 It is considered that the best use of this building is that for which it was originally designed, and that potential, viable, alternative uses that would not involve considerable changes to the building affecting its significance would be extremely limited. It is therefore considered that modest changes to the less important spaces in this building would be in the interests of sustaining the significance of this heritage asset in accordance with the NPPF, and this proposed alternative use is acceptable in principle.

5.3 With regard to the details, it is noted that the proposed partitioning follows the existing conventions and do not impact on the more open internal space, retaining the cell arrangement around the outside, all with natural light.

5.4 The only intrusion to the central space is the proposed stairs and handrail. More details of this feature are required including design, materials and reversibility.

5.5 It is noted that the necessary works to the screen to the WCs would retain the existing framework and add reversible cladding on the WC side, which is acceptable. However further details regarding the drainage and ventilation of the new facilities are required. It should be noted that additional external pipework and ventilation is not considered desirable.

5.6 It is anticipated that the proposed new use may require new flooring and it should be noted that this would need to be submitted for consideration; details of existing materials would be necessary along with methods of protecting historic surfaces where appropriate.

5.7 Further details for the proposed external works are required; details of the existing landscaping and materials, including photographs, should be submitted to allow assessment of the likely impact and also to works be approved. Also

details of the proposed materials are required, in particular the likely impact of the proposed screening for the fire escape.

5.8 Additional Comments Received following submission of additional information 19/03/2018

The proposed construction of the stair structure to the WC facilities as a removable fitting to allow the full reversal to the existing arrangement is welcomed. It is noted that no new external drainage or ventilation is proposed. The only new floor coverings identified are for the replacement of existing lino with new, and this is acceptable.

Details of the existing materials in the external basement area were requested, including photographs, in order to enable an assessment of their significance and the impact of the proposed landscaping scheme, however this has not been included.

5.9 Additional Comments Received following submission of additional information 10/04/2018

Details of the existing landscaping arrangement and finishes have been provided as a record for the file, and information on the proposed materials also submitted. It has been confirmed that laying the new decking will not require the removal of the existing surfaces, and the work will be reversible. The proposed surfacing and other materials are considered acceptable and there is therefore no objection to the proposals for the rear outside space.

5.10 Conservation Advisory Group

The Group has NO OBJECTION on conservation grounds but notes that the materials used for the balustrade should be of high quality timber and non-rusting metal if it is to withstand the elements and preserve the character of the Grade II host building.

6. MATERIAL CONSIDERATIONS

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

6.1 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);

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed Building Consent
HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the proposed alterations would have a detrimental impact on the character, architectural setting and significance of the grade II listed building.
- 8.2 The proposal involves external alterations to create an outdoor play area including the erection of a new wall at the edge of the footpath with metal balustrade which will form a decked play area at the upper level. The existing metal fire escape is to be screened with a 1.5m timber fence/gate and the installation of a bike rack and buggy store is also proposed.
- 8.3 The proposed surfacing and other materials are considered acceptable and there is therefore no objection to the proposals for the rear outside space.
- 8.4 Internally it is noted that the proposed partitioning follows the existing conventions, retaining the cell arrangement around the outside and that the only intrusion to the central space is the proposed steps and handrail which are required for building regulation purposes to provide appropriate access to the toilets. The necessary works to the screen to the WCs would retain the existing framework and only seek to add reversible cladding on the WC side, which is considered acceptable. The only new floor coverings identified are for the replacement of existing lino with new, which is also acceptable.
- 8.5 The heritage team requested additional information regarding details and reversibility of the new internal stairs, proposed drainage and ventilation of the new facilities and details of the existing landscaping and materials. This information was subsequently provided by the applicant and was considered acceptable.
- 8.6 In view of the above it is considered that the proposed works would not harm the historic character or appearance of the grade II listed building or wider

conservation area in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. EQUALITIES

9.1 None identified.

COUNCILLOR REPRESENTATION

Councillor: Andrew Wealls
Central Hove Ward

Re: Planning Application BH2018/00469 Hove Central Library

Please refer the application to Planning Committee on the following grounds; 1. Lack of neighbour consultation letters 2. Lack of information regarding capacity 3. Absence of noise reduction/mitigation measures.
Thanks in advance.

ITEM E

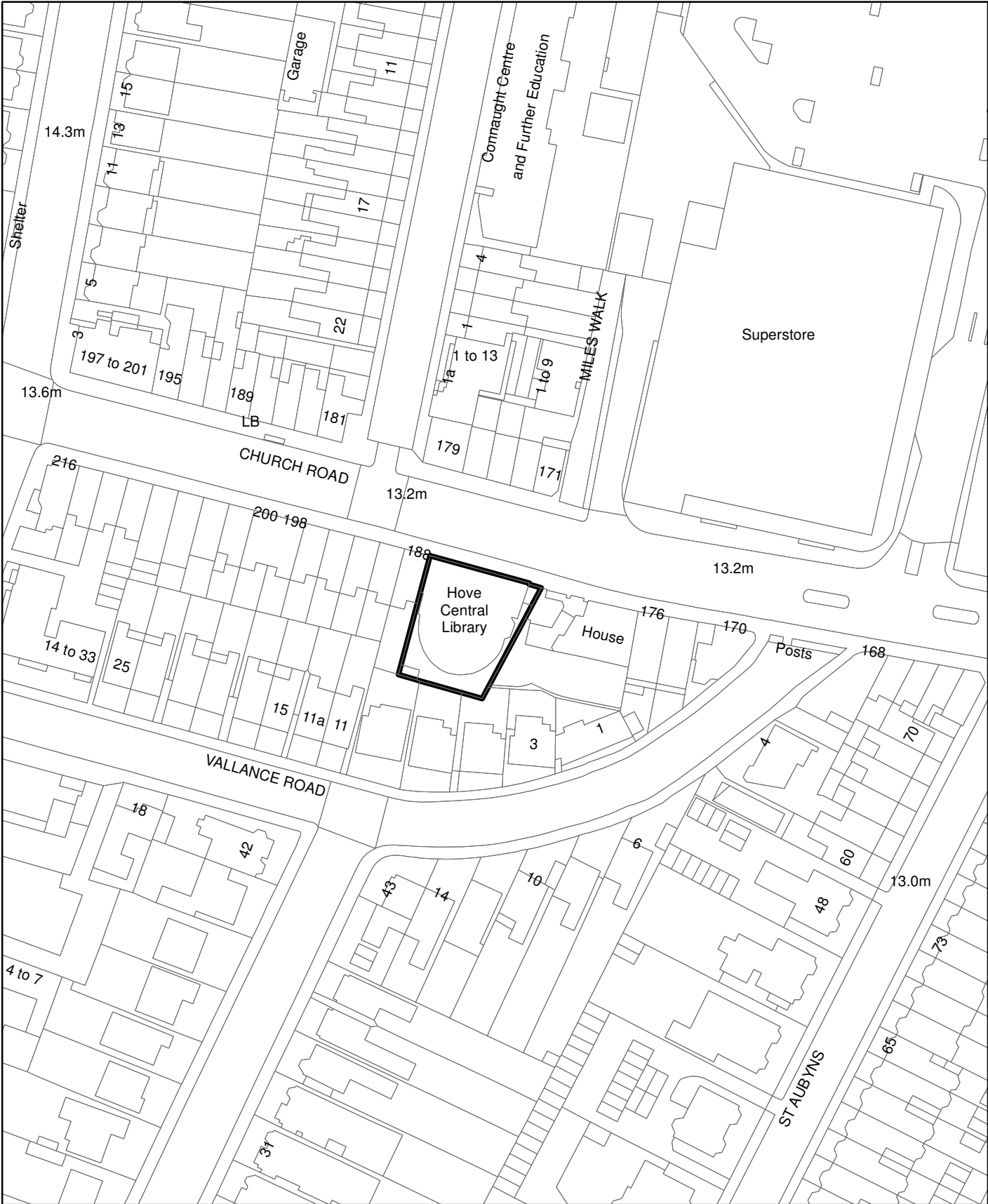
**Hove Central Library, 182 - 186 Church Road
Hove**

BH2018/ 01123

Full Planning

DATE OF COMMITTEE: 6th June 2018

BH2018-001123 Hove Central Library 182-186 Church Road Hove



Scale: 1:1,250

<u>No:</u>	BH2018/01123	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Central Library 182 - 186 Church Road Hove BN3 2EG		
<u>Proposal:</u>	Alterations to rear garden area incorporating new steps, handrail and landing for use by children's day nursery.		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	18.04.2018
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	13.06.2018
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Mr Miles Broe 66 Haven Way Newhaven BN9 9TD		
<u>Applicant:</u>	Mr Mark Hyatt 12-18 Hove New Church Road Hove BN3 4JD		

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	P02		10 April 2018
Existing Floor Plans and Elevations	01	D	10 April 2018
Floor plans and elevations proposed	P01	B	10 April 2018
Design and Access Statement			19 April 2018
Email	STATEMENT		15 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The existing brick pavers and concrete beneath the new decking shall not be removed and shall be retained in their existing positions.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

Informatives:

1. 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 Hove Library is a grade II listed building on Church Road and is located within the Old Hove Conservation Area. Its main decorative façade faces north on to Church Road. The plan form of the building combines a broadly rectangular front portion with a semi-circular section to the rear.
- 2.2 Internally, the main basement space in the southern portion of the building is formed by an almost semi-circular enclosed inner space with an outer ring of radiating cellular spaces, each with at least one window opening. This space is used for staff and storage and is linked to the main library areas by a staircase and modern lift in the easternmost quadrant.
- 2.3 The exterior of the rear portion of the building is more utilitarian in character than the front. The upper parts are seen in glimpsed views between houses on Vallance Road, and in longer views above these houses from Vallance Gardens.
- 2.4 Planning permission is sought for external alterations to the rear of the building, including construction of a new wall with balustrade and landscaping works.

3. RELEVANT HISTORY

BH2018/00469 – Listed Building Consent - Internal alterations to lower ground floor & external alterations to rear ground floor including construction of new wall with balustrade, landscaping & associated works to facilitate the conversion to children's day nursery (D1) - Under Consideration

BH2017/03940 - Installation of ventilation grille to rear elevation. Internal alterations to layout to facilitate the creation of new staff work rooms at ground floor & first floor levels, new toilet facilities to lower ground floor and associated alterations including new surface mounted waste pipe to basement - Approved 20/03/2018

4. REPRESENTATIONS

- 4.1 **Thirty (30)** letters of objection have been received raising the following points:
 - Noise to library users would be intolerable, particularly from the garden
 - Compromise to library space caused by moving staff facilities to the ground floor
 - Inappropriate use of public library which is intended for quiet reading and learning
 - The conversion of library space into offices is entirely self-defeating, further degrading the facilities and defiling the supposedly protected public space.

- A nursery does not fit in with running a library
- Difficulties with parking
- Loss of book shelving space on the ground floor diminishes the library and its radical shelving design
- Wrong location for a nursery
- Basement is unsuitable for use as a children's nursery
- Fire escape issues
- The library is an essential community asset

4.2 Sixteen (16) letters of support have been received raising the following points:

- An opportunity to revitalise the library
- Utilising the library for something more fitting to the local area would be better
- Create new jobs, regenerate the outside garden space and refurbish the lower ground floor
- Opening up the unutilised space would safeguard the future of a vital community service/the historic building
- Rooms of the library being used in a creative way
- The nursery will give the children more opportunities to learn and grow
- A boost for this part of Church Road and a good use of the library space
- Good addition to the neighbourhood
- Good for the local community.

4.3 Councillor Moonan has commented on the application calling the application to planning committee due to the sensitivity and public interest around this listed building.

5. CONSULTATIONS

5.1 Environmental Health:

Original Comments Received 10/05/218

Noise nuisance from the children playing outside could potentially be a problem for the residents at the rear of the library.

Additional Comments Received 17/05/2018

More information has been provided and as long as the outside space is used as proposed, I do not foresee any problems. Given the compact size of the outdoor space, there will only be small groups of children (for example 4-8 children) outside at any one time. The Learning Garden is unlikely to be used before 9/9:30am or after 5pm. Children will always be fully supervised at all times by an appropriate number of qualified staff members, as is required by law.

5.2 Heritage:

During consideration of application BH2018/00469 for listed building consent for these works it was confirmed that laying the new decking will not require the removal of the existing external surfaces, and that the work will be reversible. A condition should be added requiring the retention of the existing surfaces beneath the new materials.

The proposed surfacing and other materials are considered acceptable and there is therefore no objection to the proposals for the rear outside space.

5.3 Policy: No comment.

5.4 Transport: No comments received.

5.5 City Early Years Childcare and Play: No comments received.

6. MATERIAL CONSIDERATIONS

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

6.1 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);

6.2 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
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to whether the proposed alterations would have a detrimental impact on the

amenity, character, architectural setting and significance of the grade II listed building and the wider Old Hove Conservation Area.

8.2 Principle of Development

The application proposes alterations to the rear garden area incorporating new steps, handrail and landing.

8.3 The lower ground floor of the library currently serves as ancillary office, staff and storage space. The proposed alterations are to facilitate the use of the lower ground floor and rear garden area as a children's day nursery. The external space is to be used as a learning garden where small groups of children will engage in focussed activities. The applicant has indicated that there will only be small groups of children (4-8) outside at any one time and the garden is unlikely to be used before 9/9.30am or after 5pm.

8.4 It is acknowledged that there have been a number of objections relating to the proposed nursery. However as the library and nursery are in the same use class (D1) there is no material change of use of the building and thus this application should only consider the physical works to the building as the nursery use in itself does not require planning permission in this instance.

8.5 Subject to the works being appropriate for a listed building and causing no harm to the wider area the principle of the works are therefore considered to be acceptable.

8.6 Design and Appearance:

The rear garden area as existing has a footpath that curves around the outside wall of the building with steps leading up to an upper level that is a mixture of brick pavers and concrete. In addition there is a metal fire escape on a concrete base within the garden.

8.7 The proposal involves external alterations to create an outdoor play area including the erection of a new wall at the edge of the footpath with a metal balustrade which will form a decked play area at the upper level. The existing metal fire escape is to be screened with a 1.5m timber fence/gate and the installation of a bike rack and buggy store is also proposed.

8.8 Details of the external works and finishes have been provided and information on the proposed materials also submitted. The laying of the new decking will not require the removal of the existing surfaces, and the work will therefore be reversible. The proposed surfacing and other materials are considered acceptable and there is therefore no objection to the proposals for the rear outside space.

8.9 Accordingly, it is considered that the alterations are acceptable and that the proposed works would not harm the historic character or appearance of the grade II listed building or wider conservation area in accordance with policies HE1, HE4 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

8.10 Impact on Amenity:

The proposed external alterations are not considered to have any adverse impacts in terms of daylight, sunlight or privacy.

9. EQUALITIES

None identified.

Councillor: Clare Moonan
Central Hove Ward

Re: Planning Application BH2018/ 01123 Hove Central Library

I am writing as ward Cllr for Central Hove ward to call the above planning application to committee. I am doing so as I believe, due to the great sensitivities and public interest around this listed building, it is important that both the public and Planning Committee have an opportunity to raise concerns.

ITEM F

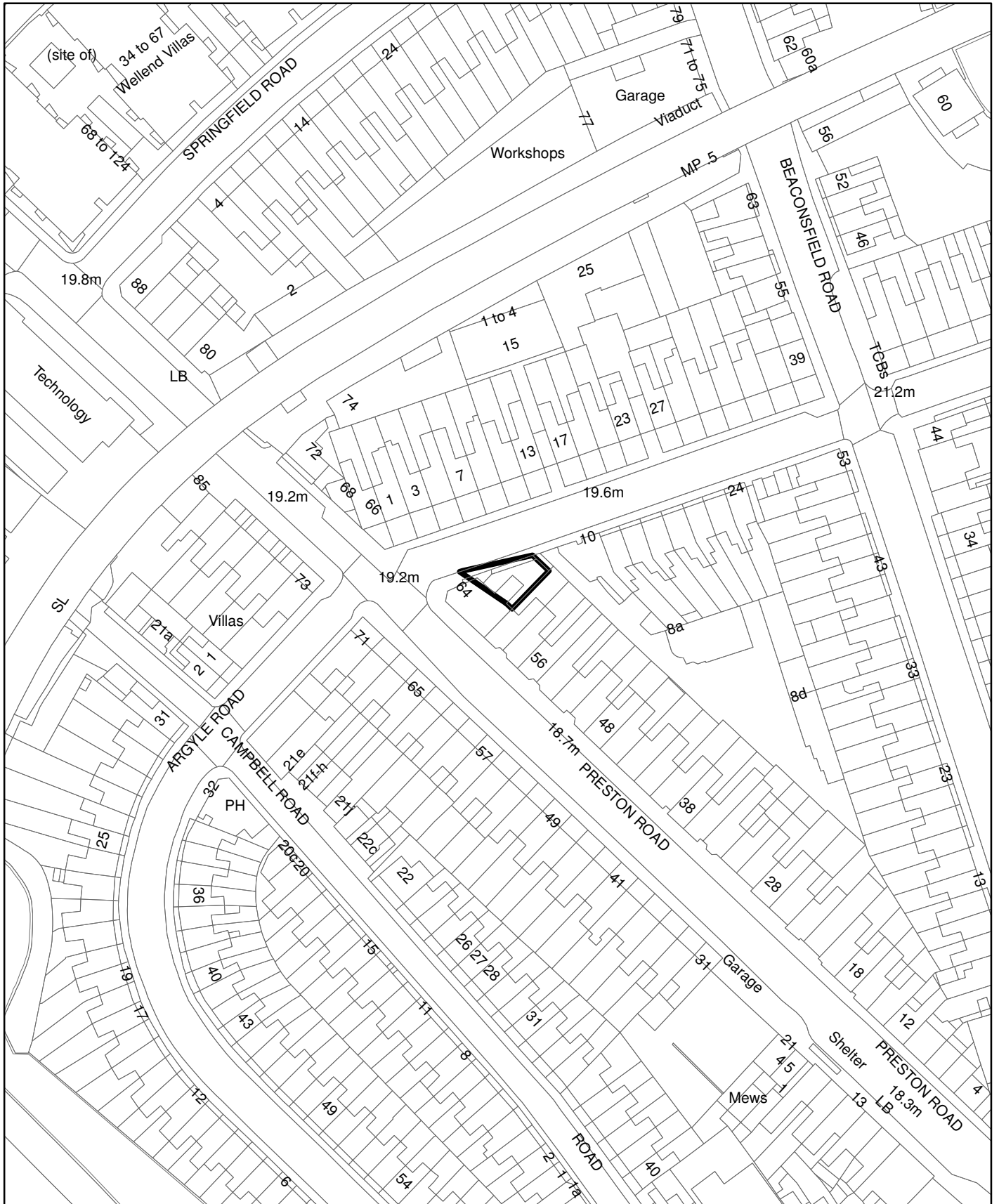
**Land to Rear Of 62-64 Preston Road,
Brighton**

BH2018/00854

Full planning

DATE OF COMMITTEE: 6th June 2018

BH2018-00854 Land to rear of 62-64 Preston Road Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00854	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 62-64 Preston Road Brighton BN1 4QF		
<u>Proposal:</u>	Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	03.04.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	29.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<u>Applicant:</u>	Mr R Little Mulberry House 14 Surrenden Crescent Brighton BN1 6WE		

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	GA05		16 March 2018
Location Plan	GA01		16 March 2018
Floor Plans Proposed	GA06		16 March 2018
Roof Plan Proposed	GA07		16 March 2018
Elevations Proposed	GA08		16 March 2018
Elevations Proposed	GA09		16 March 2018
Elevations Proposed	GA10		16 March 2018

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples 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) details of the proposed window, door and balcony treatments
 - d) details of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The upper floor windows in the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
 6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
 7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
 8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

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 scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. Accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. This standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise.
- 2.2 62 - 64 Preston Road is a three storey building with a basement. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.

- 2.3 The application seeks to erect a three storey building with an extended basement forming one two bedroom flat and three one bedroom flats following the demolition of the current projection to the rear of 62 Preston Road.
- 2.4 The application is a resubmission of three previously refused schemes.

3. RELEVANT HISTORY

BH2017/04186 Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store. Refused 13.03.2018 for the following reasons:

1. The proposed five storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
2. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2017/02137 Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017 for the following reasons:

1. The proposed four storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
2. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining

occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3. The proposed extension, by reason of the positioning of the south facing windows and rear balconies, would result in a significant loss of privacy and overlooking as well as a perceived sense of overlooking to the adjoining properties to the south, in particular 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2016/06407 Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017 for the following reasons:

1. The proposed three storey building with habitable accommodation in the roof and basement, by reason of its excessive height, depth and roof form represents an excessively scaled addition that is bulky, dominant and an overdevelopment of the site. The proposal is harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
2. Due to the positioning of the proposal with the host building, the outlook and amenity of the residents within the rearward bedrooms on the first and second floors within the host building, as well as the rearward bedrooms on the first and second floors of the adjoining 60 Preston Road, would be adversely affected contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

Twelve (12) representations have been received, supporting the proposed development for the following reasons:

- Effective use of the site
- Tidy up/enhance the area
- Additional housing
- In-keeping with the surrounding area
- Good design
- Removal of a storey improves the design
- Provide good standards of accommodation

Twelve (12) representations have been received, objecting to the proposed development for the following reasons:

- Overshadowing
- Loss of privacy
- Out of scale
- Overlooking

- Detrimental effect on the visual amenity
- Out of character
- Highway safety
- Lack of parking
- Flats are too small
- Disruption during construction
- Unclear where existing refuse bins and those for the new flats would be located

5. CONSULTATIONS

5.1 Sustainable Transport: Comment

Comments are the same as from application BH2017/04186. No Highway objections subject to the inclusion of the necessary conditions including cycle parking and car free housing.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

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

TR7 Safe Development

TR14 Cycle access and parking
QD5 Design - street frontages
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.

8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 History of the Site:

As detailed above, three similar schemes have recently been considered by the Planning Committee, in March 2018, November 2017 and April 2017. Whilst the principle of development was not rejected at the site when these applications were determined, there were concerns regarding the appearance of the development and the impact on amenity of existing and future residents.

8.4 The key difference between the most recently refused application BH2017/04186 and the current application involves the removal of the 'pod' roof level and reduction in the overall total of flats being created. The extension would now be finished with a parapet roof with a flat roof set behind.

8.5 Design and Appearance:

The proposal seeks permission for a three storey rear extension with a basement level, largely infilling the rear garden area of 62 and 64 Preston Road. Concerns were previously raised within the Officers report in respect of the excessive height, depth and inappropriate roof form.

8.6 The scheme has undergone a number of incremental revisions throughout the previous applications, which whilst they have been considered improvements to the overall design, have still failed to address the underlying concerns.

- 8.7 The current amendment, which involves the reduction in the height of the extension by the removal of the 'pod' level is considered to be a greater improvement to the overall scheme and removes some of the bulk and mass as well as the inappropriate roof form and improves the relationship of the extension with the main property.
- 8.8 Whilst the extension is still of a substantial scale, the Planning Committee has previously opined that the removal of the roof level would address their concerns. On balance, given the revisions and the advice provided by Members in the previous Committee meetings, the concerns are not so significant as to warrant refusal in this instance.
- 8.9 Standard of Accommodation:**
All proposed flats would have acceptable layouts and adequate levels of light and outlook. The scheme includes 1no. two bed maisonette over the ground and basement levels. The bedrooms of the maisonette would be located within the basement and would have sliding doors on to a small outdoor patio. Given the land level changes to the rear, the bedrooms would have sufficient light and outlook. The ground floor would be served by side windows, the north side windows would be sited adjacent to the pavement. Only one of these windows would serve a habitable room and it is proposed that the bottom half of this window would be obscure glazed to protect the privacy of the occupiers. It is considered that this is a suitable solution to mitigate any harm. The overall size of this unit would satisfactorily meet the recommended room sizes as outlined within 'The Nationally Described Space Standards'.
- 8.10 The upper floor flats would be one bedroom units and would have a floor area of 54m². The standard of accommodation was considered acceptable at the previous meetings and is largely unchanged. All of the upper floor windows on the southern elevation would be obscurely glazed. Whilst this would provide sufficient light into the units, it would restrict the outlook. However given the number of openings on the north and east elevations, it is considered that the units would have sufficient outlook.
- 8.11 The upper flats would not be provided with any outdoor amenity space, however given the size of the units and the central location, this would not be an uncommon scenario within the immediate vicinity and would not form a reason for refusal.
- 8.12 Impact on Amenity:**
The proposed extension would be sited 1.7m from the side boundary. The height of the extension has been reduced by approximately 2.1m due to the removal of the 'pod' level.
- 8.13 Previously concerns have been raised regarding the impact of the proposed extension on the neighbouring properties, particularly no. 60 to the south and the existing flats within 62-64 Preston Road.
- 8.14 The applicant has provided a statement to clarify the use of these properties and the existing window layout.

- 8.15 In relation to No. 60, the applicant confirms that the ground floor consists of two small studio flats, this information matches the Council's own records and the upper floors form a HMO. One of the ground floor flats has no outlook to the rear and therefore will be unaffected by the extension. The rear studio flat has openings on the north and east elevations of the property, the north facing openings are small and obscure glazed. The upper north facing openings on the outrigger which serve the HMO use are obscure glazed and serve a WC and shower room. Therefore whilst the height and scale of the extension may have an impact on these windows, if they are obscurely glazed and form openings to secondary rooms, any impact would not be significantly harmful to the existing living conditions of these units.
- 8.16 It is considered that on balance the reduction in height coupled with the orientation of the extension, would mitigate some of the harm previously identified to the rearward windows on the main property. Whilst there would still be an impact on the rear garden area which serves the rear ground floor flat, in previous meetings Committee Members have not expressed a concern that this impact would be significant and would warrant refusal if other matters were addressed. .
- 8.17 In relation to the existing flats within the main property at 62-64 Preston Road, the applicant has confirmed that the existing accommodation forms a 5 bed HMO. No. 62 has rearward facing windows directly alongside the proposed extension. The applicant states that given there is an existing two storey outrigger, the proposed extension is sited to the north and it has been reduced in height, the impact on these windows would not be significant. Again, Committee Members have not previously raised this impact as a concern and it is agreed that the removal of the top storey has improved this relationship.
- 8.18 The upper flats within No. 64 would lose their rearward windows due to the position of the extension. The relocation of these openings has not previously been objected to by the Planning Committee.
- 8.19 On balance, given the revisions and the advice provided by Members in the previous meetings, the concerns are not so significant as to warrant refusal in this instance.
- 8.20 Sustainable Transport:**
Cycle parking is shown on the proposed plans, however the Transport Officer has raised a concern that the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and a condition could be attached requiring further details to be submitted for approval.
- 8.21 The development would not be provided with any off-street parking. With no on-site car parking proposed there is the potential for flats to increase the demand for on-street parking in this area. Directly opposite the site there is a free on-street disabled parking bay, a free motorcycle parking area and provision for

paid short-term parking. A condition could be attached to ensure that the development remains car free.

8.22 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

8.23 Sustainability:

CP8 of the Brighton and Hove City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.

9. EQUALITIES

None identified.

ITEM G

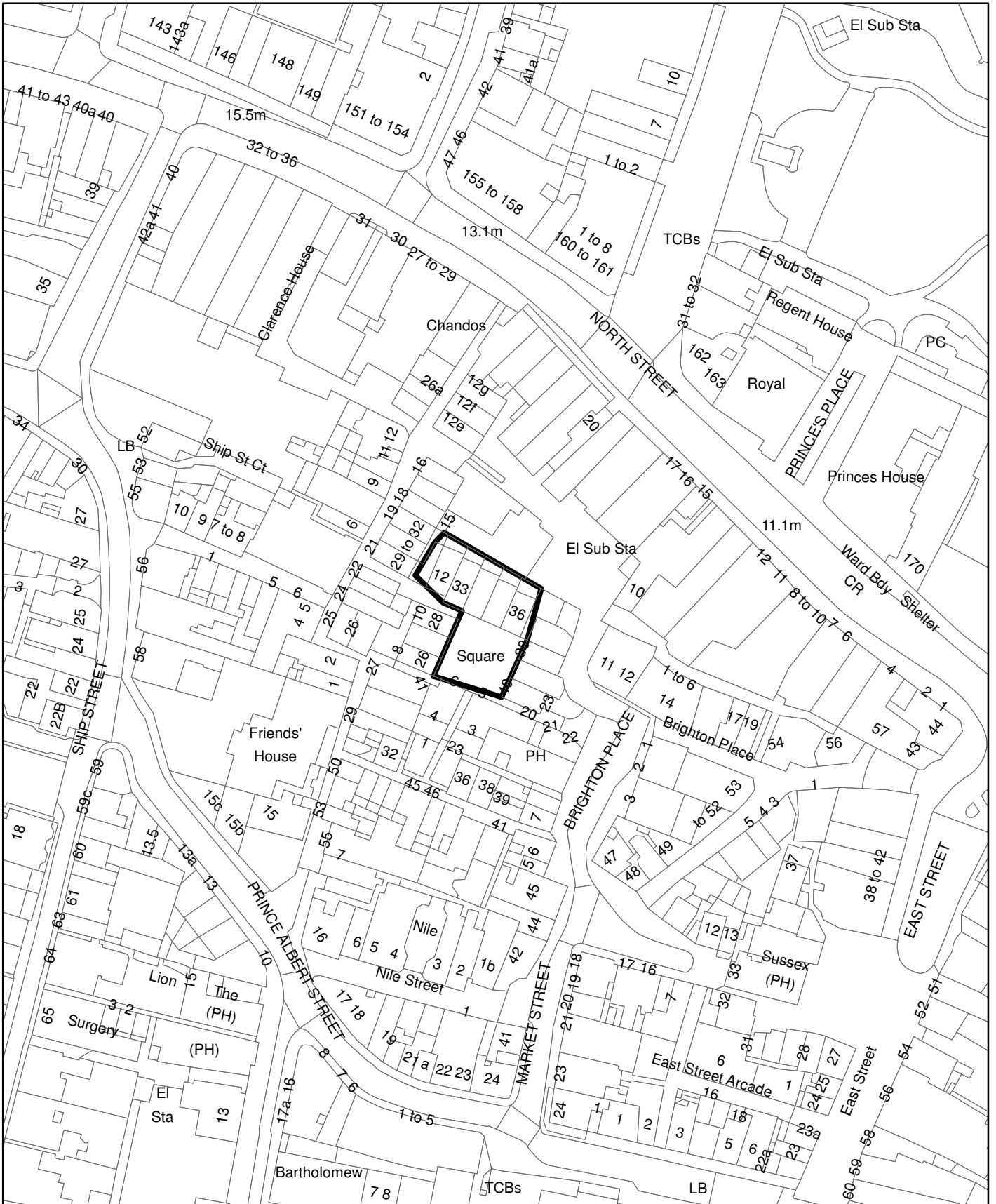
**Brighton Square And Units 12, 13, 14, 15
And 16, Brighton Square, Brighton**

BH2017/03651

Full Planning

DATE OF COMMITTEE: 6th June 2018

BH2017-03651 Brighton Square and Units 12, 13, 14, 15 and 16



Scale: 1:1,250

<u>No:</u>	BH2017/03651	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Square And Units 12, 13, 14, 15 And 16 Brighton Square Brighton BN1 1HD		
<u>Proposal:</u>	Erection of pavilion structure to Brighton Square for the creation of additional restaurant space (A 3). Alterations to dolphin fountain including new plinth & increased height of fountain. Installation of new shopfronts to 12, 13, 14, 15 and 16 Brighton Square.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	02.11.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	28.12.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Strada Trading Limited C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

1. The proposed development would result in a loss of identified open space within a ward with an over-riding deficiency in open space, contrary to City Plan Policy CP16 of the Brighton & Hove City Plan Part One.
2. The proposed development, by reason of its excessive footprint, scale and site coverage would enclose a large proportion of the existing square, thereby restricting public usability whilst impeding on pedestrian orientation and legibility of the open space, resulting in significant harm to the open character and proportions of Brighton Square. The proposal is therefore contrary to Policies CP12 and CP13 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.
3. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	J925_A102		2 November 2017
Floor Plans Proposed	J925-A10_00		2 November 2017
Roof Plan Proposed	J925-A10_01		2 November 2017
Sections Proposed	J925-A10_03		2 November 2017
Sections Proposed	J925-A10_04		2 November 2017
Elevations Proposed	J000925-A4_01		2 November 2017
Detail	J000925-A4_02	SHOPFRONT DETAIL	2 November 2017

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site forms the north/north-eastern frontage of Brighton Square in addition to the central section of the Square within the Old Town Conservation Area and part of the South Lanes. The site is formed of a ground floor parade of shops with two storeys of residential accommodations above in addition to the central square area which includes planters and a fountain water feature.
- 2.2 **BH2017/00768** permission was recently granted for the change of use of units 12 - 16 from A1 to A3 under application BH2017/00768. The proposal seeks consent for the erection of a pavilion seating structure within the square which would be used in association with the approved restaurant within the adjacent units. Alterations to the shopfronts are also sought.
- 2.3 The site forms part of a wider redevelopment proposal and includes planning permissions and pending applications for a new lane from North Street and the proposals in this application support the wider masterplan.

3. RELEVANT HISTORY

BH2017/00768 - Change of use of 5no units from retail (A1) to restaurant (A3) with erection of rear extension, formation of basement level and associated alterations. Installation of condenser units to rear. Approved 13.06.2017.

BH2017/00762 - Erection of an external Awning (A3) to Brighton Square. Installation of new shopfronts to 12, 13, 14, 15 and 16 Brighton Square. Withdrawn.

BH2016/02889 - Change of use of 4no units from retail (A1) to restaurant (A3) with erection of rear extension . Approved 23.02.2017.

BH2014/01117 - Erection of single storey rear extensions to units at 11-16 Brighton Square with infill of rear access way. Replacement of existing external access stair to rear of 16 Brighton Square. Approved 25.04.2016.

BH2014/01118 - Demolition of existing buildings at 21, 22, 23 and 37 Brighton Square. Conversion and extension of existing dwellings at 38, 39 and 40 Brighton Square to create additional 8no residential units (C3) and 2no restaurant units (A3) with associated works. Erection of four storey building fronting Brighton Place comprising 1no retail unit (A1) and offices (B1) above,

with revised access from Brighton Place to existing underground car park.
Approved 15/04/2015.

Various other minor applications relating to approval of details reserved by conditions, advertisement consents and other shop front alterations for multiple properties within the Brighton Square area.

4. REPRESENTATIONS

4.1 One Hundred and Thirty Eight (138) letters has been received in support the proposed development for the following reasons:

- The area is in constant need of improvement
- The proposal would be positive for the area
- It would attract pedestrian activity
- The square is run down and in need of a massive improvement
- The local traders will benefit
- It will make the area an attraction
- The positive gains outweigh the slight reduction in visibility of shopfronts
- Perfect spot for restaurants and cafes
- New jobs in the area
- The amended design with a 3m walkway is an improvement
- Keeping the dolphin is a positive
- The square is currently empty and uninviting
- The design is exciting, attractive and practical
- Would help increase footfall during the winter
- The proposals will complement the wider development
- It will have a favourable knock-on effect on the surrounding area
- A major restaurant chain will attract activity and vibrancy

4.2 Thirty Four (34) letters have been received objecting to the proposed development for the following reasons:

- Inappropriate for the square both visually and functionally
- Staff would have to carry food and tableware across the square in all weather across the flow of pedestrians
- The sculpture should not be altered and isolated from the public
- Poor design
- The construction swallows up the square and drowns the central sculpture
- The principle of the use of public spaces for private commercial purposes should not be supported
- Brighton has already lost other public squares to commercial premises
- A permanent building is not suitable
- Temporary chairs and tables would be more appropriate
- The fountain would be concealed
- The materials would not contribute to the cohesive character
- Will be vulnerable to vandalism and attack
- It would be detrimental to the Conservation Area
- The design of the pavilion is overbearing
- Overly strong message of private space
- Poor quality

- The open square provides a pleasant contrast to the surrounding area
- There are already cafes and restaurants within the square and its vicinity
- Not in keeping
- Overbearing
- Will attract rough sleepers
- No sympathy for the conservation area
- The area has been used successfully with chairs and tables for years
- It is too large for the space available
- There are better more appropriate uses for this space
- It will damage the individual character of the area
- The square is a wonderful example of 60s design
- Large chain companies should not be permitted in the lanes

4.3 **Councillor Druitt** supports the application. A copy of the representation is attached.

5. CONSULTATIONS

5.1 **County Archaeology:** No objection

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

5.2 **Brighton & Hove Archaeological Society** No objection

This proposed development lies in the archaeologically sensitive centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.

5.3 The Brighton and Hove Archaeological Society would suggest that you contact County Archaeology for recommendations.

5.4 **Heritage:** No objection

No objection subject to conditions securing landscaping details, details of the new fountain structure, details of the finish to the shop fronts and retention of the flint faced pilasters.

5.5 **Sussex Police:** Comment

The reduced external circumference of the pavilion will provide a better flow of pedestrians around the structure. However there may still be a conflict with passing pedestrian traffic, customers and waiting staff going to and from the units 12 to 16 and crossing into the newly proposed pavilion. Particularly during the busy summer months when this area tends to become congested with pedestrian traffic. The solid structure of the pavilion in the middle of the square will prevent the public cutting across the previously open area to relieve congestion round the footpath when it is busy.

Adequate security measures are recommended including security lock, reinforcement and low level internal illumination outside of opening hours.

Concerns are raised in relation to vulnerability of the structure to vandalism and rough sleepers.

Alcohol should be ancillary to food and should only be available via table service.

- 5.6 Sustainable Transport:** No objection
No objection. No suggested conditions.

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
- CP2 Sustainable economic development
- CP3 Employment land
- CP4 Retail provision
- CP5 Culture and tourism
- 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

CP18 Healthy city
CP19 Housing mix
SA2 Central Brighton

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity
SR4 Regional shopping centre
HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD02 Shopfront Design
SPD03 Construction & Demolition Waste
SPD09 Architectural Features

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the development, the proposed design, the impact of the proposed use on the amenity of neighbouring occupiers and consideration of the wider conservation area.

8.2 Principle of Development:

The proposal seeks consent for the erection of an external seating area to be used in conjunction with the adjacent restaurant within units 12-16 Brighton Square. External alterations are also proposed to the shopfront of the restaurant.

The site falls within the area identified within City Plan policy SA2 as Central Brighton and is located outside of the prime retail frontage.

Policy SA2 paragraph 1 states;

'To reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses: 1. The Council will strengthen the distinctiveness and legibility of the 'cultural quarter' and ensure its long term success and viability through ongoing improvements to the attractiveness of the physical environment and public realm; ensuring that historic buildings are maintained and enhanced and by requiring new development to support and maintain the vibrant mix of cultural activities, business, retail, leisure and tourism uses'.

The site falls within the regional shopping centre within an area of predominantly commercial uses including a mixture of retail and restaurant / café / bars. The

planning statement and a number of letters of support from local business owners have indicated that the pedestrian footfall and quality of the area has declined over the last decade and therefore development which would improve the centre and attract tourism/leisure activity should be encouraged. The proposed seating area would be used with the adjacent restaurant for which the principle was agreed within application BH2017/00768.

Restaurants can be considered as part of the 'night time economy' which is generally held to be a key component of vital and vibrant city centres. It is agreed that the proposed use is likely to attract activity and atmosphere to the square and the proposed development is not objected to in this regard, however this is subject to the detailed assessment of other implications relating to design and impact on the public realm below.

The site is a designated open space within the built up area, which is protected under City Plan Policy CP16.

Policy CP16 states;

'Planning permission resulting in the loss of open space, including the beach, will only be granted where:

- a) The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually); or
- b) The site is not part of a playing field (current or historical) and the loss is necessary to bring about significant and demonstrable long term enhancements to the city's public open space offer as a whole; or
- c) The proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access; or;
- d) The site is:
 - physically incapable of meeting the city's wider open space needs;
 - is not part of the beach or a playing field (current or historical); and,
 - in accordance with the Open Space Study Update 2011 (or subsequent approved revisions), is of a poor quality without potential for improvement (current and potential) and there is an identified surplus (current and future) in all types of open space within the locality (ward and sub area). In order to test the importance of the site to the local community the site must be actively marketed at a price that reflects its use, condition and local market prices for at least a year with no success before alternative proposals can be considered'.

The site has been audited as forming a civic space and is located within a built up area within the Regency Ward. With regards to CP16 points a) and b), the site is a central location within a built up area and does not form part of development allocation or a playing field. The proposed development would facilitate additional seating which would retain an element of the existing usage of the site as an informal seating area; however it would result in a loss of a

large proportion of the open space within the square by privatising and enclosing the central section

The Open Space Study update 2011 indicates that the site is currently considered an above average site, functioning quite well as an open space, where some improvements would be required to improve the offer. The study also indicates that the site has very poor potential to be improved and little potential for change.

Furthermore the Open Space Study Update indicates that the Regency Ward does have an over-riding deficiency in open space across all typologies. Given the size of the unit relative to the size of the square, the rating of the existing site with the Open Space Study and the overall deficiency of open space within the surrounding ward, the loss of identified open space fails to accord with City Plan Policy CP16 parts c and d. Refusal is therefore recommended on this basis.

8.3 Design and Appearance:

External Seating Area

City Plan Policy CP13 states that 'the quality, legibility and accessibility of the city's public urban realm will be improved in a comprehensive manner, in conjunction with other partners, through new development schemes, transport schemes and regeneration schemes. Such improvements will be required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:

1. Positively contributing to the network of public streets and spaces in the city;
2. Enhancing the local distinctiveness of the city's neighbourhoods;
3. Conserving or enhancing the setting of the city's built heritage;
4. Reducing the adverse impact of vehicular traffic and car parking;
5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
6. Incorporating street trees and biodiversity wherever possible;
7. Encouraging active living and healthier lifestyles;
8. Helping to create safe and inclusive public spaces;
9. Incorporating an appropriate and integral public art element; and
10. Reducing the clutter of street furniture and signage.'

Brighton Square is located within the Old Town Conservation area, within a section known as The Lanes and forms part of a 1960s redevelopment of the area including commercial units at ground floor with residential above flats. The square itself is unique in character and creates a welcome open and light environment in contrast to the tight, high density nature of the lanes and surrounding area. The square includes a central fountain and sculpture in addition to street furniture at each corner. The area is currently used for informal seating in relation to the adjacent units, which maintains the openness and desire lines into / across the square.

The proposal seeks permission for the erection of an enclosed seating area located within the central section of the square to be used in conjunction with the recently approved restaurant within units 12-16 to the north of the square. Alterations to the shopfront of the restaurant are also sought.

The seating area would comprise a laminated timber framed pod which would be glazed in a mixture of polycarbonate fixed and sliding panels in order to allow access. The roof would also be finished in sliding polycarbonate panels in addition to pre-tensioned fabric sections. The structure would be set centrally in the square and would create a new fountain base whilst integrate the sculpture from the existing fountain. Internally, the structure would include a number of seating areas with tables centralised around the fountain.

In isolation, the proposal represents a high standard of design which would be welcome in other more open areas of the city. The structure would, however, cover a substantial portion of the square leaving narrow sections to either side for pedestrian traffic and public usage. The structure would enclose and restrict the existing open space which, as identified above, is one of the key definitive characteristics of the site and is inherent to the nature of a public square. It is considered that the structure would obscure the site and views through the site, thereby impeding on pedestrian orientation and legibility. As one enters the existing square, two/three exits are clearly visible. The development would obscure these exits which block desire lines thereby undermining the positive intention of the development to attract pedestrian footfall.

It is considered that any development within squares should take account of the scale and proportions of the square itself and should leave the majority of the area open. This proposed development would cover the entire central section within the square, leaving only the narrow areas to the perimeter to allow for pedestrian movement around and through the site. The scale of the development is considered excessive in relation to the modest scale of the square and as a result would be a dominant addition within the currently open area.

Shopfront Alterations

The proposal also seeks permission for the alterations to the adjacent shop fronts within units 12 - 16 Brighton Square. As identified above the shopfronts would be associated with the restaurant within the units as approved within application BH2017/00768 and would be used in association with the proposed seating area within the square. The proposed shopfronts would include five units with glazed doors and a fascia board displaying the restaurant logo over four of the entrances.

There is no objection to the removal of the existing shop fronts and the new shop fronts are considered to be acceptable provided that the existing flint-faced pilasters are retained as existing and not over-clad. This could be addressed by condition in the event of an approval. The application details refer to timber shop fronts with a decorated finish and it is not clear whether this refers to painting or staining/varnishing. Painted timber is traditional to Old Town but again this could be controlled by condition.

8.4 Impact on Amenity:

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

The application form indicates that the proposed external seating area would be available for use by customers of the restaurant between the hours of 08:00 and 23:00 seven days a week including bank holidays. It is acknowledged that the proposed development would intensify the existing use of the square significantly, which would likely increase the activity and associated disturbance within the square during evening hours.

It is considered, given the central location and existence of other commercial units within the square, that the level of harm is considered acceptable as neighbouring occupiers cannot expect the same levels of noise and activity that would be experienced within a predominantly residential area.

Opening hours could be restricted by condition if considered necessary in the event of an approval.

8.5 Sustainable Transport:

The sustainable transport team have not raised any objection to the proposal. Although the proposed development may increase person trips to and from the square, this is not considered significant enough to warrant and form of mitigation / contribution.

8.6 Sustainability:

City Plan Policy CP8 states that all non-major non-residential development should achieve a BREEAM rating of 'Very Good'. This development, at approximately 100m², falls below the non-major threshold of 236m² and therefore is not required to meet BREEAM standards. Furthermore, as the structure is an external open seating area with openings and a glass frame, it is not considered reasonable to secure sustainability measures and mitigation in this instance.

8.7 Conclusion

Overall it is acknowledged that there are benefits of the proposal including improving the economic vibrancy by attracting activity and customers into the square year round, which is likely to have a knock on benefit to the surrounding commercial units and the character of the area. It is considered however that the benefits identified above would not outweigh the fundamental concerns relating to the scale of development within the square and the impact such a structure would have on the character of the open space that would occur as a result of the development.

9. EQUALITIES

None identified

Councillor: Tom Druitt
Regency Ward

Re: Planning Application BH2017/03651

I have had a site visit and gone through the plans with the applicant, and I have canvassed local traders for feedback including Brighton Lanes Traders. I have concluded that the plans will improve the area, making Brighton Square considerably more attractive and appealing to visitors. This view was shared with those I have spoken with. The one concern I heard was that access through the Square be maintained and care be taken to minimise disruption to other businesses during the works.

If officers are minded not to grant permission I would ask that this application be heard at Planning Committee.

ITEM H

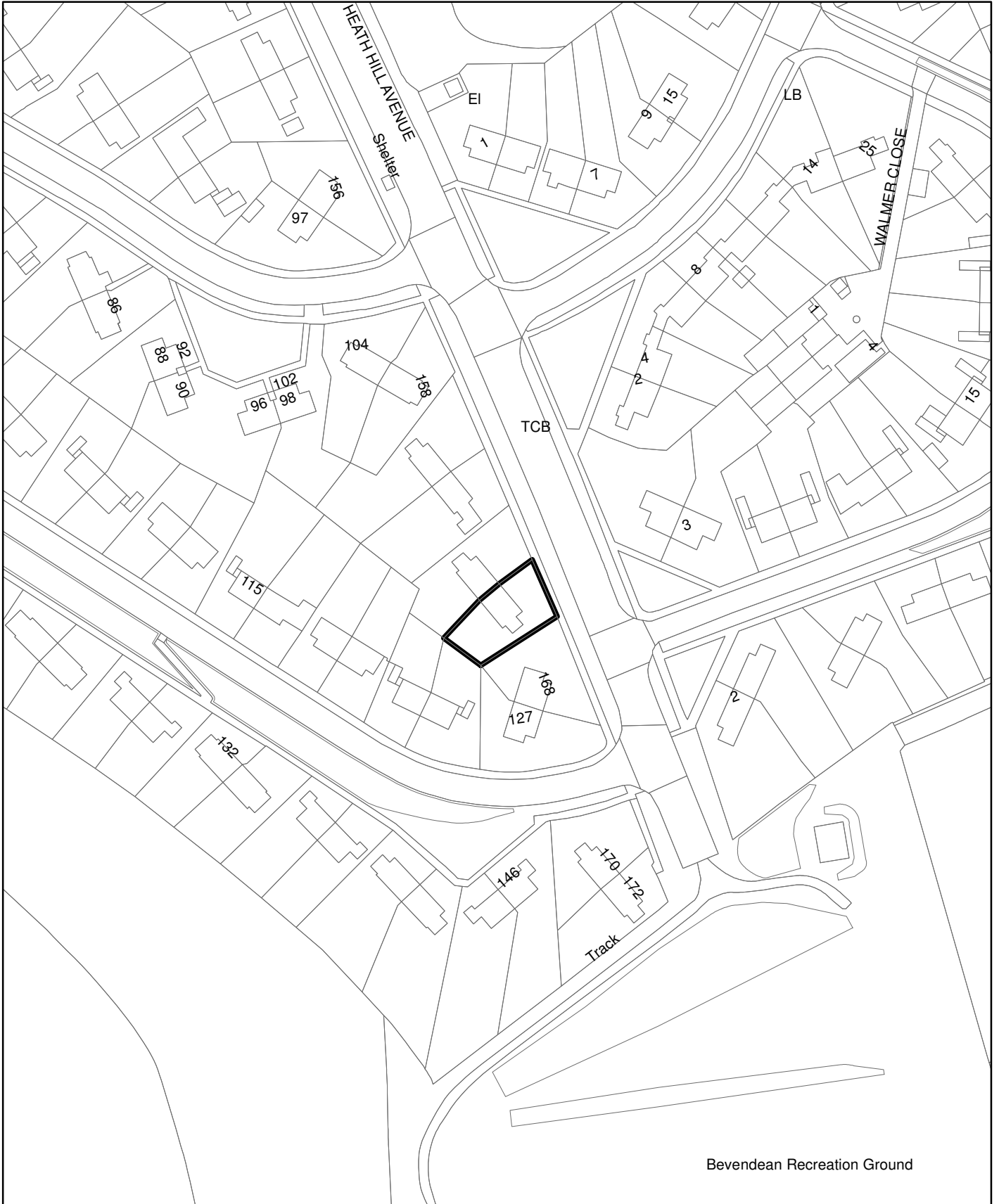
166 Heath Hill Avenue, Brighton

BH2018/00095

Full Planning

DATE OF COMMITTEE: 6th June 2018

BH2018-00095 166 Heath Hill Avenue Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00095	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	166 Heath Hill Avenue Brighton BN2 4LS		
<u>Proposal:</u>	Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	11.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	08.03.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Yates has requested that this application is determined at Planning Committee.

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	01		11 January 2018
Floor plans and elevations proposed	COU.01		11 January 2018
Detail	SOUNDPROOF WALL INSULATION		11 January 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. COU.01

received on 11th January 2018, and shall be retained as such thereafter. The layout of the kitchen/dining/living room shall be retained as communal space at all times and shall not be used as bedrooms.

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

4. The development hereby approved shall only be occupied by a maximum of six persons.

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 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 two-storey terraced property situated in the Moulsecoomb and Bevendean ward. The application proposes a change of use from three bedroom dwellinghouse (use class C3) to six bedroom small House in Multiple Occupation (HMO) (use class C4) including the conversion of the existing side garage into habitable space with associated alterations.

- 2.2 The application site is located in the Moulsecoomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a six bedroom HMO.

3. RELEVANT HISTORY

None relevant.

4. REPRESENTATIONS

- 4.1 **Nine (9)** letters have been received objecting to the application for the following reasons:

- The change of use will further decrease the number of family homes in the area, causing imbalance to the community and a decline in local services
- The area is already overrun by students
- HMOs result in neglected garden areas and rubbish everywhere
- Loss of privacy
- Noise disturbance
- Building works will be disruptive
- Increased traffic
- The proposal may result in closure of the local school and a loss of jobs
- There is a more pressing need for affordable family homes, not student lets

- 4.2 **One (1)** letter has been received commenting on the application as follows:

- Permission has not yet been approved but extensive building work has commenced on the property, including the removal of internal walls and roof

- 4.3 **Councillor Meadows** objects to the application. A copy of the representation is attached to the report.

- 4.4 **Councillor Yates** objects to the application. A copy of the representation is attached to the report.

5. CONSULTATIONS

None received.

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

- 6.3 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.

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the 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 The application relates to a two-storey semi-detached property on Heath Hill Avenue, situated in the Moulsecomb and Bevendean ward. Planning permission is sought for the change of use of the property from a single dwellinghouse (use class C3) to a small House in Multiple Occupation (use class C4). Permission is also sought for the conversion of the existing side garage into habitable space.

8.3 Principle of development:

Policy CP21 of the Brighton and Hove City Plan Part One states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation)

use, a mixed C3/C4 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.'

8.4 A mapping exercise has been carried out showing that 0% of properties within a 50m radius of the application site are in use as a HMO. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

8.5 Standard of accommodation:

The proposed ground floor layout would consist of a communal kitchen/dining/living area and two bedrooms. The first floor layout would feature four single bedrooms. There is a garden to the rear of the site.

As demonstrated in the proposed floor plans, the floorspace of each bedroom is as follows:

Bedroom 1: 7.5m²

Bedroom 2: 15m²

Bedroom 3: 7.5m²

Bedroom 4: 7.5m²

Bedroom 5: 7.5m²

Bedroom 6: 7.5m²

The Local Planning Authority does not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of minimum floor areas for single and double bedrooms. This document states that a single bedroom providing one bedspace should have a floor area of at least 7.5m² and a double bedroom providing two bedspaces should have a floor area of at least 11.5m². As proposed, all of the bedrooms meet the standard for single bedrooms.

Each bedroom would receive good levels of natural light and would provide adequate outlook for occupants. The communal kitchen/dining/living area would have a floor area of 23m² and would provide sufficient space for cooking, dining and socialising for six occupants. The rear garden area would provide suitable private amenity space. It is considered necessary to restrict the number of occupants so that the impact of an additional number of occupants can be assessed by the Local Planning Authority. Retention of the kitchen/dining/living area as communal space is secured by condition.

Overall the property meets the necessary standards required to demonstrate an adequate standard of accommodation for six occupants, in accordance with Policy QD27 of the Brighton & Hove Local Plan. A condition is recommended restricting the occupants of the property to a maximum of six.

8.6 Impact on neighbouring amenity:

It is acknowledged that the change of use of the property to a six bedroom HMO would inevitably increase comings and goings from the plot. In this instance however, it is considered that the increased occupation to six individuals is unlikely to significantly increase noise nuisance to an extent that would warrant refusal of the application. Occupancy of the property by a maximum of six people is secured by condition.

There are no other properties in use as a HMO within a 50m radius, therefore a mixed and balanced community would be retained.

8.7 External works:

The application would involve the conversion of the side garage into habitable space, with the introduction of two windows on the front and rear elevations. The resultant appearance would have an acceptable impact on the host property and wider street scene, in accordance with Policy QD14 of the Brighton & Hove Local Plan.

8.8 Sustainable transport:

The proposed change of use would not result in an increase in trip generation to warrant refusal of the application. Whilst there is the potential for a small level of additional demand to arise on-street as a result of the development, it is not considered that this would be of a level which could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

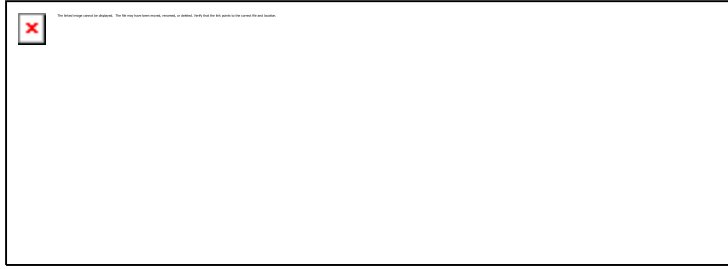
In order to comply with Policy TR14 of the Brighton & Hove Local Plan, the provision of secure cycle parking facilities is sought via condition.

8.9 Other Issues

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

9.0 EQUALITIES

None identified.



Signature of Reviewing Officer:

Dated:

Councillor: Anne Meadows
Moulsecoomb And Bevendean Ward

Re: Planning Application BH2018/00095 166 Heath Hill Avenue

Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space.

I am writing to object to the planning application above as it turns a family home into an HMO of which there are far too many in this area already. With 40% HMO's in the Avenue which this road leads off, it far exceeds the allowance for HMO's in one area so this planning application should not be granted. Plus the conversion of a garage implies a larger HMO which should be resisted in this area which is already saturated with HMO's and it has changed the character of the community so any further HMO's will increase that instability in the community.

Information on Pre-application Presentations and Requests 2017

Date	Address	Ward	Proposal	Update
06/02/18	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses	Drawing up PPA and a further round of pre-app is anticipated.
06/03/18	Preston Barracks (Watts Site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved matters for multi-storey car park & Business School	RM for MSCP submitted. BH2018/00689
06/03/18	29 – 31 New Church Road	Westbourne	Mixed use development	Initial scheme presented to members on 12/12/17. Awaiting submission of application
06/03/2018 & 03/04/2018	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	Transport issues presented to members 06/03/18. All other issues presented on 03/04/18. Negotiations & discussions continuing.
08/05/18	Longley Ind Estate, New England St	St Peters and North Laine	Mixed use scheme, 3000sqm B1 with 200-250 'build-to-rent' residential units above, 1000sqm communal space, disabled car parking, public realm improvements	
08/05/18	119-131 London Road (Co-op and Boots), Brighton	St Peters and North Laine	Mixed use redevelopment to re-provide retail and student accommodation above.	

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.

08/05/18	Rear of Lyon Close		Mixed use scheme 160 units (C3) and 1000sqm office (B1) floorspace.	
05/06/18 Requested	Former Peter Pan amusements	Queens Park and East Brighton	Mixed use leisure/commercial incl outdoor pool (temporary 5yrs)	
TBC	GBMET Pelham Campus, Brighton (2 nd pre-app presentation)	St Peter's & North Laine	Hybrid application including detailed proposals for extensions and refurbishment of existing college building and new public square. Outline planning application for new residential development east of Pelham Street.	
TBC	Land at Goldstone Street, Hove	Goldsmid	Erection of office building	
TBC	Sackville Trading Estate, Sackille Road, Hove	Hove Park	Mixed residential and commercial development	

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.

PLANNING COMMITTEE
6th June 2018

Agenda Item 9

Brighton & Hove City Council

NEW APPEALS RECEIVED

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2017/02409
<u>ADDRESS</u>	Pavement Outside 116 Western Road Brighton BN1 2AB
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEALAPPNUMBER</u>	BH2017/01951
<u>ADDRESS</u>	Berkeley Court Derby Court & Warwick Court Davigdor Road Hove BN3 1RA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of additional storey to Berkeley, Derby and Warwick Courts to create total of 3no additional flats (C3), incorporating 1no additional flat to each building.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/03439
<u>ADDRESS</u>	19 Acacia Avenue Hove BN3 7JT
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing fence (Retrospective).
<u>APPEAL STATUS</u>	APPEAL ALLOWED
<u>APPEAL RECEIVED DATE</u>	10/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2017/03671
<u>ADDRESS</u>	46 Hampden Road Brighton BN2 9TN
<u>DEVELOPMENT DESCRIPTION</u>	Erection of part one and part two storey rear extension with associated alterations.
<u>APPEAL STATUS</u>	APPEAL ALLOWED
<u>APPEAL RECEIVED DATE</u>	10/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEALAPPNUMBER</u>	BH2017/00641
<u>ADDRESS</u>	The Meeting House Park Close Brighton BN1 9AJ
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing house and erection of 5no four bedroom houses (C3) with provision of 6no vehicle parking spaces and associated crossovers.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEALAPPNUMBER</u>	BH2017/03124
<u>ADDRESS</u>	81 Hawkhurst Road Brighton BN1 9GF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from four bedroom small house in multiple occupation (C4) to nine bedroom large house in multiple occupation (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03088
<u>ADDRESS</u>	25 Wheatfield Way Brighton BN2 4RQ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from a 6no bedroom student house (C3) to a large 8no bedroom HMO (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2018/00181
<u>ADDRESS</u>	3 Ditchling Rise Brighton BN1 4QL
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing boundary wall with creation of vehicle crossover and paved parking area at front of building.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2017/02521
<u>ADDRESS</u>	18 Egremont Place Brighton BN2 0GA
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from small house in multiple occupation (C4) to (sui generis) large house in multiple occupation (retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02399
<u>ADDRESS</u>	Pavement Outside Of Jurys Inn Hotel Kings Road Brighton BN1 2GS
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	23/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02401
<u>ADDRESS</u>	Pavement Outside 127 Western Road Brighton BN1 2AD
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02402
<u>ADDRESS</u>	Pavement Outside 71 - 74 North Street Brighton BN1 1ZA
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02403
<u>ADDRESS</u>	Pavement Outside 65-75 West Street Brighton BN1 2RA
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02404
<u>ADDRESS</u>	Outside 5 North Street Brighton BN1 1EB
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/02190
<u>ADDRESS</u>	43 Lenham Avenue Saltdean Brighton BN2 8AG
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing four bedroom single dwelling and erection of 2no three bedroom dwellings with off street parking.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/02221
<u>ADDRESS</u>	Meadows 18 Roedean Way Brighton BN2 5RJ
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and excavation works and the erection of new 3no bedroom residential dwelling (C3) with front balcony.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/03313
<u>ADDRESS</u>	50 Lustrells Crescent Saltdean Brighton BN2 8FJ
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations incorporating hip to gable conversion, raising ridge line, rear dormer, reduced roof height to existing outrigger and front rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2017/01882
<u>ADDRESS</u>	90A & 90B Shaftesbury Road Brighton BN1 4NG

<u>DEVELOPMENT DESCRIPTION</u>	Conversion of ground floor garages to form two 1no bedroom flats incorporating front courtyards and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	23/04/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2017/02400
<u>ADDRESS</u>	Pavement Outside 134-138 North Street Brighton BN1 1RG
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2017/02505
<u>ADDRESS</u>	132 Upper Lewes Road Brighton BN2 3FD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of first floor rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2017/03039
<u>ADDRESS</u>	31 Upper Gardner Street Brighton BN1 4AN
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing flat roof, creation of decking, obscured metal railings to first floor and installation of external staircase to rear.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTBOURNE
<u>APPEALAPPNUMBER</u>	BH2017/02246
<u>ADDRESS</u>	Garages, 36 Walsingham Road Hove BN3 4FF
<u>DEVELOPMENT DESCRIPTION</u>	Conversion and part demolition of detached garages to form 1no. two bedroom single-storey dwelling (C3) with associated extension and alterations
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	23/04/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03577
<u>ADDRESS</u>	33 Green Ridge Brighton BN1 5LT
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing dwelling including raising of roof ridge height to form additional storey, roof alterations incorporating 2no rooflights. Erection of single storey front and rear extensions, alterations to front boundary wall and hardstanding with revised fenestration and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03601
<u>ADDRESS</u>	2 Downs Valley Road Brighton BN2 6RP
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and the erection of a single storey rear and side extension to include new garage and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	04/05/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

NB: The position remains unchanged from that reported to Committee on 9 May 2018

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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G – 22 SADLER WAY, BRIGHTON – EAST BRIGHTON 223

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H – 48 LENHAM AVENUE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL

Application BH2017/02991 – Appeal against refusal to grant planning permission for erection of a rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations. **APPEAL ALLOWED (subject to the conditions set out)**(delegated decision)



Appeal Decision

Site visit made on 10 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2018

Appeal Ref: APP/Q1445/D/18/3196021

19 Acacia Avenue, Hove BN3 7JT

- 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 Peirce against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03439, dated 12 October 2017, was refused by notice dated 16 January 2018.
 - The development is the replacement of existing fence panels.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing fence panels at 19 Acacia Avenue, Hove BN3 7JT in accordance with the terms of the application, Ref BH2017/03439, dated 12 October 2017, and the plans submitted with it.

Procedural Matters

2. The appeal relates to a retrospective application for planning permission. At my site visit I saw that the fence panels applied for are in place. I have assessed the appeal on this basis.
3. In the banner heading above, I have used the description of development as set out on the Council's Decision Notice, as it captures the scope of the development accurately and more succinctly than the form of words on the application form¹.

Main Issue

4. The main issue in this case is the development's effect on the character and appearance of its surroundings.

Reasons

5. The appeal development has resulted in the installation of tall fence panels at the side boundary of the appeal property, which addresses Elm Drive, a thoroughfare which slopes gently downwards from its junction with Holmes Avenue toward and beyond the appeal property. The dwellings which front Elm Drive are set back behind mainly well-vegetated gardens, and these combined with the street trees and the back gardens of corner houses addressing roads

¹ Which is "Wooden garden fence alongside pavement 6.7m @ height 1.82 metres + 5.7m @ height 1.82 m + 6.3m @ height 1.37m. These replace the original fence."

in a perpendicular relationship to Elm Drive add a pleasant verdant character to the streetscene.

6. In the immediate surroundings of the appeal property, I saw that tall boundary treatments to rear gardens which address Elm Drive are far from unusual features. Within this context, the scale and detailing of the appeal development does not look incongruous. Moreover, due to the depth of the appeal property's garden and the mature vegetation present therein, which is clearly visible above the fence at street level, the development does not erode the spaciousness of the streetscene. Furthermore, the sloping gradient of Elm Drive from its junction with Holmes Avenue mean that the spaciousness and verdant character of the appeal property's garden remain prominent in streetscene views, and as a consequence the fence panels neither have a dominant character nor cause a negative visual impact.
7. Taking these matters together leads me to the conclusion that the appeal development has not harmed the character and appearance of its surroundings and as a result does not conflict with Policy QD14 of the Brighton and Hove Local Plan (adopted July 2005). Amongst other things, this policy requires alterations to existing buildings to be well designed in relation to their host properties and their surrounding areas. As I have found that the development has caused no harmful effects in these regards it does not therefore create a precedent for other developments that would cause harm to the character and appearance of the area.

Conclusion

8. As the appeal relates to a retrospective application for planning permission neither implementation nor plans conditions are necessary in this case.
9. The appeal development would not conflict with the development plan insofar as the above-cited policy is concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 6 February, 2018

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State

Decision date: 8th May, 2018

Appeal Ref: APP/Q1445/D/18/3194608

11, The Bungalow, Hangleton Lane, Hove, BN3 8EB

- 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 Phillips against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/03352 dated 4 October, 2017 was refused by notice dated 18 January, 2018.
 - The development proposed is erection of a replacement brick, post and board fence boundary fence.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement brick, post and board boundary fence at 11, The Bungalow, Hangleton Lane, Hove, BN3 8EB in accordance with the terms of the application Ref: BH2017/03352 dated 4 October, 2017 and the plans submitted with it.

Preliminary Matter

2. The description of development was altered by the Council in its decision notice and no evidence has been supplied that this was agreed between the parties. I have, however, followed the description given in the original application, albeit modified and simplified in the interests of clarity.

Main Issue

3. The main issue is whether the development would preserve the character and appearance of the Hangleton Conservation Area, and whether it would preserve the setting and thereby the special architectural and historic interest of adjacent listed buildings and the effect on the significance of these designated heritage assets.

Reasons

4. The development which is the subject of this appeal has already been implemented.
 5. No. 11 Hangleton Lane is a modern bungalow in a prominent corner location on the edge of the Hangleton Conservation Area. The northern boundary of the site is bounded by a substantial conifer hedge, while the western boundary has a high, close boarded fence set on a low brick wall, which is the subject of this appeal. The southern boundary of the site has a traditionally constructed flint
-

- wall, facing onto Hangleton Manor to the rear, while Rookery Cottage and The Cottage, listed buildings, are to the south and east.
6. I noted while on site that the ground level of the private garden area, which is situated to the flank and rear of No. 11, was at a noticeably higher level than the adjoining pavement. I was also shown photographs of the fence which was replaced by the appeal structure, and noted that it was previously a high, close boarded fence running around both the western and northern boundaries of the site.
 7. The presence of No. 11 and the modern detached dwellings at 38 – 44 Hangleton Lane have established an area of suburban character within the conservation area and the setting of the listed buildings. The semi-rural setting of the Manor is not therefore easy to appreciate at this point, while that of St Helen's church is only experienced further along Hangleton Lane, where the townscape opens out into St Helens Park.
 8. The new fence replaces a similar structure, and the difference in height is minor. Furthermore, the replacement fence does not appear out of context in its immediate suburban setting. In this context therefore, I conclude that it would have a neutral effect on the character and appearance of the conservation area.
 9. The southern edge of the fence is set back from the brick and flint southern boundary, and would, at most, be seen peripherally in views into the former manor complex from Hangleton Valley Drive. There would thus be no change in the effect on that area and the important relationship between Hangleton Manor and the cottages which were formerly part of the complex.
 10. While front boundaries within the area are low, this is a boundary to private amenity space, and I conclude that it is reasonable for the appellant to seek privacy in that area.
 11. For these reasons therefore, I conclude that the development would preserve the character and appearance of the Hangleton Conservation Area, and, by preserving their setting, would preserve the special architectural and historic interest of the adjacent listed buildings. It would not, therefore, harm the significance of these designated heritage assets.
 12. It would, as a result, comply with the requirements of saved policy QD14 of the Brighton and Hove Local Plan 2005 (LP) which seeks well designed alterations to existing buildings, and those of policies HE3 and HE6 in respect of the effect on the setting of listed buildings and on conservation areas respectively. It would also comply with policies CP12 and CP15 of the Brighton and Hove City Plan 2016 in respect of conserving the city's historic environment. It would also meet the requirements of the Framework in respect of protecting the significance of the designated heritage assets.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed. As the development is already in place, I conclude that no conditions are necessary.

S J Buckingham INSPECTOR



Appeal Decision

Site visit made on 17 April 2018

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 4th May 2018

Appeal Ref: APP/Q1445/W/17/3188292 74 Westbourne Street, Hove BN3 5PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Ims against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01793, dated 24 May 2017, was refused by notice dated 7 August 2017.
 - The development proposed is loft conversion with front and rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for loft conversion with front and rear dormer at 74 Westbourne Street, Hove BN3 5PH in accordance with the terms of the application, Ref BH2017/01793, dated 24 May 2017, 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: Drawing No 04 (Existing and Proposed Floorplans and Elevations); Drawing No 05 (Site Layout Plan).
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Main Issue

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

Reasons

3. The appeal property is a three storey mid terrace located on Westbourne Street. A number of the properties exhibit dormer windows that vary drastically in size and scale. In addition, I witnessed at the time of my site visit that a number of the properties along Westbourne Gardens have had front and rear dormers installed. Due to the imposing height of the properties in the area the dormers, albeit varied, nestle in to the built form and add some variety to the residential pattern of development.
4. The appeal site is seen within the context of the wider street scene, although fewer properties on the side of Westbourne Road upon which the appeal

property is located have dormer windows, this style of window is a clear and strong element of the character of the general area.

5. The scale and design of the proposed dormers is similar to a number of those existing. They would sit comfortably within the roof slope and would therefore not appear visually dominant in respect of their impact on the host property or the wider street scene.
6. Accordingly, I find that the proposal would respect the character of the area and would be of a size that complemented the host property. It would comply with Policy QD14 of the Brighton and Hove Local Plan 2016 and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' which seek to ensure that development respects the host property and character of the area.

Conditions

7. I have included a condition specifying the plans as this provides certainty, and a condition in relation to materials in the interests of protecting the character of the area.

Conclusion

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

J Ayres

INSPECTOR



Appeal Decision

Site visit made on 20 April 2018

by R J Jackson BA MPhil DMS MRTPI MCI

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

Decision date: 09 May 2018

Appeal Ref: APP/Q1445/W/17/3190031 238 Elm Grove, Brighton BN2 3DA

- 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 Paul Nash, Brighton Builds LLP against Brighton & Hove City Council.
 - The application Ref BH2017/01114, is dated 17 March 2017.
 - The development proposed is erection of new 2 bedroom house over ground and lower floors.
-

Decision

1. The appeal is dismissed and planning permission for erection of new 2 bedroom house over ground and lower floors is refused.

Procedural matter

2. Following the lodging of the appeal the Council indicated that, had it been in a position to do so, it would have refused the application for two reasons relating to its alleged effects on the character and appearance of the area and the living conditions of any future occupiers.

Main Issues

3. The main issues are the effects on:
 - the character and appearance of the area; and
 - the living conditions of the proposed occupiers in terms of size, light, outlook and amenity space.

Reasons

Character and appearance

4. The appeal site lies to the rear of 238 Elm Grove which has recently been converted to four flats including a number of extensions. It is an end of terrace property on the south site of the road towards the top of a hill. To the east is Hallett Road, which is a one-way street exiting to Elm Grove at this junction. The land rises to the rear of No 238 and there is a domestic style garage on the site with access to Hallett Road. This extends to the whole width of the site. To the south is a small, roughly triangular piece of land used for parking.

5. Development on Elm Grove, which runs approximately east/west, consists predominantly of long stepped terraces of dwellings along with some commercial properties. Hallett Road runs north/south close to its junction with Elm Grove but then turns so as to run southwest/northeast. It consists of shorter terraces and semi-detached properties. On the north side of Hallett Road the properties are set down from the street and those to the south are set up above it.
6. The proposal is to demolish the garage and construct a two storey 2-bedroomed dwelling. The site would be excavated so that the upper storey would be at approximately the same level and position as the garage although it would be slightly wider. The lower storey would be constructed at right angles to the upper storey with the southeast corners overlapping. An amenity space would be provided in the northwest corner of the appeal site.
7. The building has been designed to replicate the ancillary nature of the existing building on the site. The overall character of the area is of a tight urban grain and I consider that the introduction of an additional unit of residential development in the form proposed would be in keeping with that character. That there would be a separate dwelling, rather than an outbuilding, would not be readily noted from outside the appeal site, and although the appeal property could be seen from adjoining properties this would not be harmful. The lack of an articulated front door is a product of the design approach. The proposal would contribute positively to the sense of place.
8. As such the proposal would be in keeping with the character and appearance of the area. It would therefore comply with Policy CP14 of the Brighton & Hove City Plan Part One which indicates that density of development should be appropriate to the character of the neighbourhood. It would also comply with paragraph 58 of the National Planning Policy Framework (the Framework) which indicates that decisions should aim to ensure that development responds to local character.

Living conditions

9. The Council has not adopted any space standards but has referred to the Government's Technical Housing Standards (the Standards). The national Planning Practice Guidance¹ makes clear that decision takers should only require compliance with the new national technical standards where there is a relevant current local plan policy. However, I consider that the Standards provides a useful guide for accessing the acceptability or otherwise of the size of the proposed dwelling.
10. There is a dispute between the parties as to how the prospective occupancy should be considered. The appellant maintains that it should be considered as a 2-bedroom 3-person property. However, according to the Council, and the figures have not been disputed, both the bedrooms equal or exceed the minimum size for a double (or twin) bedroom in the Standards. I therefore consider that the property should properly be considered as a 2-bedroom 4-person property. In this situation the property would be significantly below the minimum gross internal floor area set out in the Standards and therefore this should weigh against the proposal as it would not be of high quality for the proposed occupancy.

¹ Reference ID: 56-018-20150327

11. Due to the design of the proposal the only effective amenity area available for the occupiers of the proposed dwelling would be area in the northwest corner of the appeal site. The western half of this area would be at the same level as the upper storey accommodation, but the eastern half would slope to approximately half the depth of the lower storey to just below the cill level of the bedroom windows.
12. In my view this would not provide an appropriate amenity space for the occupiers of the proposed dwelling. It would be small and enclosed. It would slope to provide lighting to the two bedrooms so that it would not provide an appropriate area which would permit sitting out or other beneficial use. Furthermore, the windows for the two bedrooms would be located towards the top of the rooms meaning that they would not provide sufficient light and the raised height of the amenity area would result in an overbearing environment for any occupiers.
13. Therefore the proposal would not give rise to appropriate living conditions for the occupiers of the proposed dwelling. It would therefore be contrary to Policy QD27 of the Brighton & Hove Local Plan which seeks to protect the living conditions of future occupiers of development. It would also be contrary to paragraph 17 of the Framework which indicates that planning should always seek to secure a good standard of amenity for the future occupiers of land and buildings.

Conclusion

14. Notwithstanding that the proposal would be in keeping with the character and appearance of the area, the proposal would not result in good living conditions for the occupiers of the property and would thus be harmful. This harm is such that it outweighs the benefits of the proposal.
15. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR



Appeal Decisions

Site visit made on 10 April 2018

by **Stephen Hawkins MA MRTPI**

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

Decision date: 09 May 2018

Appeal A Ref: APP/Q1445/C/17/3177383

Appeal B Ref: APP/Q1445/C/17/3177384

Land at 6 Nyetimber Hill, Brighton BN2 4TL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr David Humphrey (Appeal A) and Mrs Sue Humphrey (Appeal B) against an enforcement notice issued by Brighton & Hove City Council.
- The enforcement notice was issued on 3 May 2017.
- The breach of planning control as alleged in the notice is 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).
- The requirements of the notice are to cease the use of the property as a House in Multiple Occupation (Sui Generis).
- The period for compliance with the requirements is three months.
- The appeals are proceeding on the grounds set out in section 174(2) (a) (Appeal A only) and (g) (Appeals A & B) of the Town and Country Planning Act 1990 as amended.

Summary of Decisions: Appeal A is allowed, the enforcement notice as corrected is quashed and planning permission is granted in the terms set out below in the Formal Decision. It is not necessary to consider Appeal B.

Procedural Matter

1. The plan attached to the enforcement notice is incorrect as the property shown edged in red is 8 Nyetimber Hill. Regulation 4 (c) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 requires an enforcement notice to specify the precise boundaries of the land to which the notice relates, by reference to a plan or otherwise. Therefore, there is no statutory requirement to identify the property to which an enforcement notice relates by reference to a plan. The notice specifies the correct address. Accordingly, I shall correct the notice by deleting reference to the attached plan. In doing so, I am satisfied that no injustice would be caused to either the appellant or the Council as it is clear that the main parties were in no doubt about which property the notice relates to.

Appeal A-Ground (a)

Main Issues

2. The main issues are:
 - Whether use of the appeal property as a 7 bedroom large House in Multiple Occupation supports a mixed and balanced community.

- Whether suitable living conditions are provided for the existing and future occupiers of the appeal property, having regard to communal living space.
- The effect of the use on the living conditions of occupiers of adjoining residential properties, having regard to noise and disturbance.

Reasons

Community mix and balance

3. The appeal property is situated in the middle of a terrace between 4 and 8 Nyetimber Hill (Nos 4 and 8) and is located in a predominantly suburban area. In April 2013, the Council confirmed an Article 4 Direction covering this and other parts of the city removing the permitted development right to change from a dwelling house in Class C3 to a small House in Multiple Occupation (HMO) in Class C4. However, there is no dispute that the lawful use of the property is an HMO within Class C4.
4. The objective of Policy CP21 (ii) of the Brighton and Hove City Plan Part One is to support mixed and balanced communities by ensuring that a range of housing needs continue to be accommodated throughout the city. In order to do so, Policy CP21 (ii) resists the change of use to an HMO where more than 10% of dwellings within a 50 metre radius are already in such use. The Council's mapping exercise indicates that in excess of 30% of residences within a 50 metre radius of the property are in use as HMOs. This figure has not been disputed. Therefore, the concentration of HMOs in the surrounding area is well above the 10% threshold in Policy CP21 (ii).
5. Nevertheless, the property already has a lawful HMO use. As a result, its change of use to a large HMO has not altered the number and percentage of properties in use as HMOs in the area. Nor has there been any reduction in the housing available for families in the area, as the property had previously been lawfully used as a Class C4 HMO. Consequently, the range of housing types in the area including the number of HMOs has been unaffected by the change of use. The additional occupier has marginally increased the intensity of the occupation of the property compared with a Class C4 use. However, there is no substantive evidence before me to suggest that this has materially affected the concentration of HMOs in the area or the balance of HMOs with other types of housing.
6. Therefore, as there has been no adverse effect on the mix and balance of the community in the area surrounding the property the change of use accords with Policy CP21 (ii).

Living conditions of existing and future occupiers

7. The ground floor of the property has a communal kitchen which also provides access to a communal dining area and lounge. According to the Council, the kitchen has a floor area of around 6.5m², whilst the dining area and lounge has a floor area of around 15.5m². Neither of these figures has been challenged.
8. The kitchen is unlikely to be able to easily accommodate more than two or three people at a time, having regard to its limited size. Even so, the nature of an HMO, in particular one that as in this case is occupied by students attending nearby universities, is that some of the occupiers will be coming and going at

different times of day due to different study timetables, patterns of working and leisure pursuits. Therefore, the occupiers are likely to be taking their meals at varying times and they will not all be trying to use the kitchen at once. Given these factors, the size of the kitchen is not particularly cramped or constrained and it is adequate for the occupiers.

9. Based on the arrangements observed during my visit, around six people could eat in the dining area at any one time. Together, the dining area and lounge are of a size capable of easily accommodating around nine or ten people. The floorspace provided by these areas is therefore adequate for the occupiers and any guests. Whilst the ground floor WC and the rear garden are also accessed from the dining area and lounge, such an arrangement is not untypical of a dwellinghouse occupied by a single family. Therefore, it is unlikely that the occupiers experience appreciably greater disturbance than might reasonably be expected in the dining area and lounge.
10. Consequently, the kitchen, dining area and lounge are of an adequate size and provide a reasonably pleasant living environment in which the occupiers can prepare meals, eat and undertake communal leisure activities. Whilst some occupiers might spend considerable periods of time in their own rooms, in my view this would be largely due to reasons of personal choice or for private study rather than inadequate communal space.
11. Moreover, the total floorspace provided by the above communal spaces is substantially larger than the 14m² required under the Council's HMO licencing standards for a seven person kitchen and dining area. The Council has granted an HMO licence for occupation of the property by seven people. Policy HO14 of the Brighton and Hove Local Plan (LP) references the standards set out in the Housing Act for HMOs. No other internal space standards have been adopted by the Council. Compliance with the licencing standards therefore reinforces my findings on the acceptability of the communal living spaces.
12. Consequently, the change of use has not resulted in an unsuitable living environment for the occupiers of the property. It therefore follows that the change of use accords with LP Policy QD27, as there has been no loss of amenity to the existing and future occupiers.

Living conditions of neighbouring occupiers

13. Class C4 provides for occupation of the property by up to six unrelated individuals as their only or main residence sharing basic amenities such as a kitchen or bathroom. Whilst occupancy levels of the property might previously have been lower, I understand that in 2015 and 2016 the property was occupied by six people.
14. I have taken account of the Council's background information regarding HMOs including the harmful individual and cumulative impacts on surrounding neighbourhoods of associated anti-social behaviour, noise and nuisance. The change of use is likely to have resulted in some increase in the activity at the property and in the frequency of comings and goings. Nevertheless, the effect of the change of use on its surroundings has to be assessed by reference to the lawful Class C4 use as opposed to comparison with occupation of the property by a single family.

15. The change of use has not altered the communal kitchen and dining and lounge areas, which are the more likely sources of noise and disturbance from activity and congregations of occupiers within the property. Therefore, any increase in activity within the property is unlikely to have resulted in the occupiers of Nos 4 and 8 being affected by noise and disturbance in parts of their properties where it would not previously have been experienced. Moreover, given the above the one additional occupier of the property is unlikely to have had an appreciable effect on Nos 4 and 8 in terms of additional noise and disturbance from activity within the property.
16. As in the case of the current occupiers, it is likely that future occupiers of the property in the foreseeable future will be students. Therefore, whilst some or all of the occupiers might initially be unconnected they are likely to have some patterns of behaviour, lifestyle factors and leisure interests in common. Some occupiers are likely to form friendships and travel to university, work, go on leisure outings or undertake other activities such as shopping together. The preponderance for such shared trips is likely to significantly offset the minimal increase in the frequency of any individual comings and goings to the property arising from the additional occupier. Therefore, the change of use is unlikely to have led to any appreciable extra noise and disturbance from comings and goings to the property being experienced by Nos 4 and 8 or by other residential properties in the locality.
17. I also note that no neighbouring residents have objected to the change of use on grounds of additional noise and disturbance and the Council has not produced evidence of complaints regarding noise in relation to the property. Whilst the absence of any objections and complaints is not conclusive, it does serve to reinforce my findings regarding the absence of unacceptable harm in this respect.
18. Consequently, the minimal increase in the intensity of the use of the property over and above that associated with the lawful Class C4 use has not significantly increased levels of activity and noise and disturbance and it has not caused unacceptable harm to the living conditions enjoyed by the adjoining residential occupiers.
19. Therefore, the change of use accords with LP Policy QD27 as there has been no loss of amenity to adjacent residents. Moreover, the change of use accords with LP Policy SU10 as the impact of noise on the occupiers of neighbouring properties has been minimised.

Conclusion

20. The change of use supports a mixed and balanced community, it provides suitable living conditions for the existing and future occupiers and it does not cause unacceptable harm to the living conditions of occupiers of the adjoining residential properties. Consequently, the change of use accords with the Development Plan. Therefore, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Conditions

21. I have imposed a condition restricting occupation of the property to no more than seven persons. This is necessary in order to protect the living conditions of the occupiers of the property and those of the occupiers of adjoining

residential properties. Additionally, I have imposed a condition requiring retention of the existing layout including the communal kitchen, dining and lounge areas. This is to ensure that a satisfactory standard of accommodation is retained for occupiers of the property.

22. I have also imposed a condition requiring the provision of secure cycle parking facilities, in order to encourage the use of alternative means of transport to the private car. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the cycle parking because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the use authorised by the grant of planning permission may only remain if the appellant complies with its requirements.
23. However, I have not imposed a condition removing 'permitted development' rights to enlarge, improve or alter the property or erect ancillary buildings within the curtilage under Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Planning Practice Guidance advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances¹. The Council has not explained why, exceptionally in this case, such a condition should be imposed and in my view it is unnecessary.

Appeals A & B-Ground (g)

24. In the light of my decision to allow the ground (a) appeal, the enforcement notice will be quashed and it is unnecessary for me to consider whether the ground (g) appeals should succeed. Therefore, I shall take no further action on this ground of appeal.

Formal Decisions

25. Appeal A-it is directed that the enforcement notice be corrected by the deletion of the words "as shown edged red on the attached plan ("the Land")" in paragraph 2. Subject to this correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the use as a 7 bedroom large House in Multiple Occupation (Sui Generis) referred to in the notice, subject to the conditions in the Schedule at the end of this Decision.
26. Appeal B-I take no further action in respect of this appeal.

Stephen Hawkins

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20140306.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not be occupied by more than seven persons.
2. The development hereby permitted, including the communal ground floor areas annotated as Kitchen and Living Room, shall be retained in accordance with the layout shown on drawing no 1142 02.
3. Unless within 3 months of the date of this decision a scheme for secure cycle parking is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site use as a 7 bedroom large House in Multiple Occupation shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a 7 bedroom large House in Multiple Occupation shall cease until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

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.



Appeal Decision

Site visit made on 8 February 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2018

Appeal Ref: **APP/Q1445/W/17/3187050** **39 Old Shoreham Road, Brighton BN1 5DQ**

- 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 Clapham Properties against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00672, dated 9 February 2017, was refused by notice dated 6 October 2017.
 - The development proposed is Removal of existing single storey/two storey side extension and replace with a new single/two storey extension in order to facilitate conversion of the building from a single dwelling house to 7 flats.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council has raised no objections in terms of the conversion itself, the proposed extension, or the resultant standard of accommodation. I agree with this approach and, as such, the main issue is whether the proposal should provide for a contribution towards affordable housing.

Reasons

3. The appeal arises from the appellant's failure to provide a contribution towards affordable housing within the Brighton & Hove City area. In not providing a viability justification for the absence of such the Council considers it would cause harm to the wider interest of local affordable provision and be contrary to development plan policy.
4. Policy CP20 of the Brighton & Hove City Plan Part One (CPP1), adopted in March 2016, requires sites of between 5 and 9 dwellings, of which the proposal is a case in point, to provide 20% affordable housing in the form of a financial contribution. In this particular instance the contribution would total £238,750.
5. The Court of Appeal's judgement of May 2016 reinstated, and gave legal effect to, the Written Ministerial Statement (WMS) of November 2014 which states that affordable housing and tariff style planning obligations should not be sought from developments of 10 units or less. At this point the government's Planning Practice Guidance (PPG) was updated, accordingly. The intention of this is to prevent a disproportionate burden on small scale developments.

6. In the circumstances the PPG post-dates the adoption of CPP1 and is a weighty material consideration. Nonetheless, the WMS does not reduce the weight that should be given to the statutory development plan. The primacy of the development plan therefore remains in that planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise. The WMS therefore represents a consideration which has to be balanced against the plan and the evidence base supporting the Council's application of the policy.
7. The Council considers that Policy CP20, and its requirements, should hold good because there are sufficient local circumstances to justify an appropriate exception to the government's approach. These circumstances include the significant need for affordable housing over the plan period to 2030, a constrained housing land supply, and that the delivery from smaller development sites has been a fairly constant source of supply whereas larger schemes are impacted by economic trends and housing market fluctuations.
8. In December 2016 a similar proposal at the appeal site was dismissed at appeal (*APP/Q1445/W/16/3158279*) although not due to the absence of any affordable housing contribution. In this specific regard the Inspector, in commenting on the inconsistency of CPP1 Policy CP20 with the most recent position set by the government, concluded that the PPG and policy within the WMS carry more weight than that of the said local policy. He indicated that a previous appeal decision (*APP/Q1445/16/3152366*) of November 2016, involving this same issue at another property in the Brighton & Hove City Council area, had reinforced his view.
9. The appellant in the current appeal relies heavily on the previous decision at the site, mentioning that there has been no planning policy change at either national or local level since this time. This Inspector, in his December 2016 decision, concluded that the WMS should outweigh Policy CP20. He would, though, have reached his decision on the evidence before him at that time and I cannot be certain that he had the same evidence before him as is now before me. Although he commented that the approach in Policy CP20 holds significant weight his reference to the local position regarding affordable housing is brief and would appear to summarise the extent of the Council's evidence offered on what was an appeal against the Council's failure to determine an application within the prescribed period. The decision letter makes no mention of the 'Objectively Assessed Needs for Housing : Brighton & Hove, 2015' (OANH) which explains the local situation in greater detail, nor is reference made to the Council's housing register.
10. Similarly, neither of these are raised in the other appeal decision letter provided by the appellant, issued in November 2016. However, this decision does make reference to the examination of CPP1 whereby the appointed Inspector, in endorsing Policy CP20, noted in her letter of 5 February 2016 that the approach was supported by a study into its effects on the viability of housing development. Although the WMS was not in force at this time she commented that the policy does include a degree of flexibility to allow site specific circumstances, including viability, to be taken into account. Accordingly, she acknowledged that the policy complies with paragraph 173 of the National Planning Policy Framework (the Framework) which requires that the scale of obligations and policy burdens should not threaten the viability of the development.

11. The OANH and the housing register were, though, raised by a subsequent Inspector in an appeal decision of June 2017(*APP/Q1445/W/16/3166012*) relating to a proposal at another local site in the local planning authority's area. In this decision, referred to me by the Council, the Inspector concluded that given the development plan policy, the contribution is necessary to make the proposal acceptable and would satisfy the tests of Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
12. Many appeals cited by the Council which post-date the 2016 decision at the appeal site also refer to the OANH and the housing register. Each involved the Inspector concluding that, from the evidence before them, the WMS should not justify a reduction in affordable housing in the light of Policy CP20.
13. The Council has referred to particular examples where lower contributions have been appropriately justified and, given that Policy CP20 has such flexibility built in, I do not consider that the purpose and stated aims of the WMS and PPG to this end would be adversely affected in this instance by a contrary decision.
14. The appellant has provided a table which indicates that an expected profit margin of 14.7% would, with the requested contribution factored in, be reduced to 2.5%. However, there is nothing to indicate the source of the figures given or the method of compilation used. Moreover, the experience of the firm that prepared the table in relation to viability matters has not been made clear. Indeed, there is a clear lack of any in depth analysis on this particular matter to justify the claim that the contribution would have such significant financial implications. Two separate Valuation Reports and certain other details have been provided but the information given is largely general. Although a somewhat unfavourable comparative valuation is drawn with 55 Old Shoreham Road it is also indicated that, unlike the appeal dwelling, this nearby property has had the benefit of an internal refurbishment.
15. By reason of the relevant information presented to me I consider that there is a substantive local need for affordable housing in the City of Brighton & Hove, that there is also a case for small market housing schemes to contribute to the provision of affordable housing. Furthermore, in this particular instance, in the light of the above concerns the appellant has not satisfactorily demonstrated that the appeal scheme would only be rendered viable if there was no contribution made.
16. Taking everything into account I have attached considerable weight to the WMS and PPG. I have also given due regard to the contents of the letter, referred to by both main parties, sent by PINS in March 2017 to the Planning Policy and Design Team Manager at Richmond and Wandsworth Councils, which highlights the approach to be taken in deciding such appeals. This says that the decision maker has discretion in applying his or her judgement as to where the balance should lie, drawing on the evidence presented.
17. I have found differently from the Inspector who determined the previous appeal at the site, but this is justified by the extent of the information before me and the findings of various Inspectors on more recent local appeals. Indeed, even if the evidence before me and that provided to the previous Inspector had been the same, I consider this would not have justified allowing the scheme in the face of the number of subsequent decisions elsewhere in the Borough.

18. I conclude, therefore, that the proposal would conflict with Policy CP20 and in this instance the WMS does not amount to a material consideration that indicates the decision should be otherwise than in accordance with the development plan. Consequently, a financial contribution towards affordable housing is required, and I find that such an obligation would satisfy the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework.
19. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR



Appeal Decision

Site visit made on 12 April 2018

by Sandra Prail, MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24 April 2018

Appeal Ref: APP/Q1445/X/17/3180190

22 Sadler Way, Brighton, BN2 5PL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
- The appeal is made by Mr William Coppock against Brighton & Hove City Council.
- The application is dated 29 January 2017.
- The application was made under section 192(1) (a) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is proposed change of use of a detached garage from the parking of vehicles to use as two bedrooms, including creation of windows and the blocking up of apertures.

Summary of decision: The appeal is allowed and a certificate of lawful use or development is issued in the terms set out below in the Formal Decision

Preliminary matters

1. For the avoidance of doubt, the planning merits of any future operations are not relevant to this appeal for a lawful development certificate (LDC). My decision rests on the facts of the case and relevant planning law and judicial authority.
2. In any application for a LDC, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
3. At the time of my site visit the change of use had been implemented. But I shall determine this appeal based on the proposal set out in the application.

Main Issue

4. I consider that the main issue is whether if the Council had refused the application their refusal would have been well founded.

Reasons

5. The appeal is against the non-determination of the application for a LDC within the prescribed period. In its submissions the Council says that it does not oppose the application.
6. Section 55(2)(d) of the Town and Country Planning Act 1990 as amended, provides that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse shall not be taken (for the purposes of the Act) to involve development.

7. The appeal site is a semi-detached house at the end of a residential cul-de-sac. A double garage sits within the curtilage of the main dwellinghouse in the rear garden accessed via a private driveway running along the boundary of the site. The application the subject of this appeal is for the change of use of the garage to use as two bedrooms each with ensuite bathroom facilities and its own access. No kitchen facilities are proposed. The Appellant says that the rooms would be used for visitors to the main dwellinghouse and there is nothing before me to cast doubt on this. Use of such a garage for additional sleeping accommodation would be a use incidental to the enjoyment of the dwellinghouse.
8. Planning permission (ref BH78/0809) has been granted for a replacement garage on the site. Condition 3 of that permission states that 'the garage shall be used only as appurtenant to a private dwelling and for no commercial use'. The proposal before me does not breach that condition.
9. I conclude as a matter of fact and degree that the proposed use would not comprise development requiring planning permission.
10. The creation of windows and the blocking up of apertures are minor and facilitate the change of use. The parties agree that they do not comprise development and I see no reason to disagree.
11. For the reasons given above, I conclude, on the evidence now available, that the Council's deemed refusal to grant a certificate of lawful use or development in respect of the proposed change of use of detached garage from the parking of vehicles to use as two bedrooms, including the creation of windows and the blocking up of apertures, was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decision

12. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed works which are considered to be lawful.

S. Prail

INSPECTOR



LAWFUL DEVELOPMENT CERTIFICATE

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by the Planning and
Compensation Act 1991)

IT IS HEREBY CERTIFIED that on 29 January 2017 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 as amended, for the following reason:

The operations described in the first schedule would not comprise development requiring planning permission.

The development does not contravene the requirements of any enforcement notice in force.

S. Prail

INSPECTOR

Date: 24 April 2018

Reference: APP/Q1445/X/17/3180190

First Schedule

The change of use of a detached garage from the parking of vehicles to use as two bedrooms, including creation of windows and the blocking up of apertures as shown on drawings submitted with the application dated 28 January 2017.

Second Schedule

Land at 22 Sadler Way, Brighton, BN2 5PL.

NOTES

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 as amended.
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified operation is only conclusively presumed where there has been no material change, before the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 24 April 2018

by **Sandra Prail MBA, LLB(Hons), Solicitor (non-practising)**

Land at: 22 Sadler Way, Brighton, BN2 5PL.

Appeal ref: APP/Q1445/X/17/3180190

Not to Scale





Appeal Decision

Site visit made on 20 April 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 03 May 2018

Appeal Ref: APP/Q1445/D/18/3195036

48 Lenham Avenue, Saltdean, Brighton BN2 8AG

- 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 Keeley against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02291, dated 5 September 2017, was refused by notice dated 11 December 2017.
 - The development proposed is erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations at 48 Lenham Avenue, Saltdean, Brighton BN2 8AG in accordance with the terms of the application, Ref BH2017/02291, dated 5 September 2017, 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: 17609/01 Revision A, 17609/02 Revision A, 17609/06 Revision D, 17609/07 Revision B, 17609/08 Revision B, 17609/09 Revision C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matters

2. The description of the proposal on the application form set out it out as a series of bullet points. The Council amended the description to that as given in the heading above on its decision notice and the appellant used this on the appeal form. This amended description clearly and more succinctly sets out that applied for and I therefore have used this in the heading and in the formal decision.
3. During the consideration of the application by the Council amended plans were submitted altering the roof form and making a number of other alterations.

The Council made its decision based on the amended plans and I have used them in this decision.

Main Issues

4. The main issues are the effects on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 46 Lenham Avenue in terms of privacy and of 17 Founthill Avenue in terms of privacy and outlook.

Reasons

Character and appearance

5. The appeal property is a detached dwellinghouse. The landform in the area slopes steeply down to the east so that from Lenham Avenue the house entrance is set down the equivalent height of a storey and there is a level access to what appears to be a garage in the roofspace surrounded by a gable. To the rear there are two storeys and the lower of these is set above the garden which continues to slope down to the rear. The property has a sun room at the upper level which is supported by an open structure beneath.
6. The property to one side, 46 Lenham Avenue, is set at a slightly higher level. The access to No 46 is at street level. To the rear, accommodation is over three storeys with a flat roofed element on the top floor adjacent to No 48. On the other side of the appeal property is 17 Founthill Avenue. This is set down from Lenham Avenue and gives the appearance of a bungalow from that road, but is a two storey property with access from Founthill Avenue.
7. The proposal is to widen the gable on the front elevation to add a personnel door. The Council has not objected to this element of the proposal and I concur that it is acceptable. In addition, it is proposed to construct a three storey extension on the rear elevation. This would have a flat roof, be completed in cedar boarding, and would have wrap-around glazing for its upper two floors to the rear and the side facing No 48. In addition, the existing two storey extension on the side elevation adjacent to No 17 would be altered and re-clad to match the proposed rear extension enlarging its dimensions.
8. Although the rear extension would significantly change the bulk of the property it would not be out of keeping with the area. It would be of similar form, if of different materials, to No 48 and would not appear as an intrusive element when viewed from the public domain either in short or long distance views. There would be a preponderance of glazing particularly at the top of the resultant building, but this would be in keeping with the style of architecture chosen. The site is not located in a conservation area nor is it subject to any other designation. As paragraph 60 of the National Planning Policy Framework (the Framework) makes clear, planning decisions should not attempt to impose architectural styles or particular tastes. There is no particular locally distinctive architectural style in the area which it would be appropriate to promote or reinforce. Given the topography of the area the glazing would not result in the extension appearing top heavy.
9. For the same reasons, the use of cedar boarding would be appropriate, and while not found on the existing building would be sympathetic to the area.

Although Policy QD14 of the Brighton & Hove Local Plan (the LP) requires the use of materials sympathetic to the parent building I am of the view that a different architectural response would be acceptable due to a variety of styles in the area.

10. The rear extension would fit well with the original building and would rationalise the rear elevation with the removal of the sun room and its supporting structure. The overall height of the resulting rear elevation would be similar to that of No 48.
11. As such the proposal would be in keeping with the character and appearance of the area. Therefore it would comply with Policy QD14 of the LP which requires that extensions and alterations to dwellings should be well designed, sited and detailed in relation to the property, adjoining properties and the surrounding area. The proposal would also comply with paragraph 60 of the Framework as set out above.

Living conditions

12. Currently the rear garden of No 46 is overlooked from the side windows in the sunroom. This would be replicated by the windows in both of the upper floors of the proposed rear extension, and while any overlooking would be over two floors rather than the one at present, there would not be any harmful increase in loss of privacy.
13. In respect of No 17 the whole of the area which would be overlooked from the proposal is already in the public domain as it can be readily seen across the entrance to that property from Founthill Avenue. There would therefore be no additional loss of privacy. There would also be sufficient separation between both the proposed rear extension and the amended side extension and No 17 so that the proposal would not result in an unacceptable overbearing effect for the occupiers of No 17 taking into account the windows in the side elevation of No 17 facing the appeal property.
14. Therefore the proposal would not have an adverse effect on the living conditions of the occupiers of the neighbouring properties. As such the proposal would comply with Policies QD14 and QD27 of the LP which require that development does not result in loss of privacy or outlook to neighbouring properties or the loss of amenity to existing adjacent residents. It would also comply with paragraph 17 of the Framework which indicates planning should always seek a good standard of amenity for existing occupants of land and buildings.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
16. As the proposed external materials are different to the existing building I have also imposed a condition requiring these materials to be submitted and approved in order to ensure that they are appropriate to the area. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

RJ Jackson

INSPECTOR